

Also, petition of R. H. Hartley, Dr. C. D. Woodruff, and A. C. Dickenson, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. SNOOK: Resolution of the Loyal League of the United States, favoring the placing of Maj. Peter I. Osterhaus on the retired list of the Army with the rank he held at the close of the rebellion—to the Committee on Military Affairs.

By Mr. VAN DUZER: Petition of James C. Dahlman and 9 other shippers of live stock, members of the South Omaha Live Stock Exchange, favoring the enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. VANDIVER: Papers to accompany bill granting an increase of pension to John J. James—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition and papers to accompany bill H. R. 16713, granting a pension to William Cannon—to the Committee on Invalid Pensions.

By Mr. WYNN: Petition of 10 members of the South Omaha (Nebr.) Live Stock Exchange, favoring the enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, December 19, 1904.

Rev. EDWARD E. HALE, the Chaplain of the Senate, offered the following prayer:

*They shall call His name Jesus, for he shall save His people from their sins * * *. His name shall be called Emmanuel, which, being interpreted, is God with us.*

Let us pray. Even so, Father, He comes to save us from our sins. Thou art pleased to reveal Thyself to us in Him. And to-day we pray Thee for our homes and for this festival which we are to celebrate together, the festival of home, that Thou wilt be with Thy servants wherever they go, wherever they are, in this commemoration of a Savior's birth. With our fathers and mothers, our brothers and sisters, our little children, with all that makes home glad and happy, be present, Thou, the Father, in the midst of Thy children, that we may have Thy love for our love, Thy strength for our weakness, Thy wisdom for our direction. Go with us wherever we go; stay with us wherever we are.

And for this country we pray, that she may know what are the blessings of a Christian State, that these States may be bound together as brothers and sisters are bound together in one tie, that our rulers may be peace, that our exactors may be righteousness, and this that loving country whose God is the Lord. We ask it in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those that trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory, forever. Amen.

NAMING A PRESIDING OFFICER.

Mr. PERKINS called the Senate to order and the Secretary read the following communication:

WASHINGTON, December 16, 1904.

To the United States Senate:

I hereby appoint the senior Senator from California, Mr. PERKINS, to perform the duties of the chair during my absence.

WILLIAM P. FRYE,
President pro tempore.

Mr. PERKINS thereupon took the chair as Presiding Officer and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO WEDNESDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it adjourn until Wednesday next.

The motion was agreed to.

[A message in writing from the President of the United States was delivered to the Senate by Mr. FORSTER, one of his secretaries.]

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

An act (S. 183) granting an increase of pension to John W. Currier;

An act (S. 216) granting an increase of pension to Nelson Wells;

An act (S. 922) granting an increase of pension to William S. Devlin;

An act (S. 1421) granting an increase of pension to Charles L. Houghton;

An act (S. 1576) granting an increase of pension to Emily M. J. Cooley;

An act (S. 1994) granting an increase of pension to Isabella Chivington;

An act (S. 2414) granting an increase of pension to Elise Habercorn;

An act (H. R. 6498) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

Joint resolution (H. J. Res. 158) for the relief of Julius A. Kaiser.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 4 minutes p. m.) the Senate adjourned until Wednesday, December 21, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 12, 1904.

POSTMASTERS.

ILLINOIS.

Moses C. Thomas to be postmaster at Homer, in the county of Champaign and State of Illinois.

MICHIGAN.

William T. Hosner to be postmaster at Romeo, in the county of Macomb and State of Michigan.

William C. Mertz to be postmaster at St. Charles, in the county of Saginaw and State of Michigan.

Louis H. Tovatt to be postmaster at Standish, in the county of Arenac and State of Michigan.

Herman A. Wyckoff to be postmaster at Pontiac, in the county of Oakland and State of Michigan.

HOUSE OF REPRESENTATIVES.

MONDAY, December 19, 1904.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, December 16, 1904, was read and approved.

ADJOURNMENT UNTIL WEDNESDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Wednesday next.

The question was taken, and the motion was agreed to.

HOUSE BILLS WITHOUT AMENDMENT PASSED.

The following House bills, reported from the Committee of the Whole House, were ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 11664. A bill to reimburse the Illinois Central Railroad Company for damage to union depot at Louisville, Ky., by blasting in the Ohio River;

H. R. 3109. A bill for the relief of Noah Dillard;

H. R. 3619. A bill for the relief of David B. Howell;

H. R. 6351. A bill to pay J. B. McRae \$99 for services as hospital steward, etc.;

H. R. 3950. A bill for the relief of W. R. Akers, of Alliance, Nebr.;

H. R. 9758. A bill for the relief of the heirs of George McGhehey for services rendered as mail contractor;

H. R. 11370. A bill to relieve the Italian-Swiss Agricultural Colony from the internal-revenue tax on certain spirits destroyed by fire;

H. R. 2052. A bill for the relief of Ramon O. Williams and Joseph A. Springer;

H. R. 6375. A bill for the relief of the executors of the estate of Henry Lee, deceased;

H. R. 10089. A bill for the relief of R. D. Ashford, of Lockport, Niagara County, N. Y.;

H. R. 9091. A bill to provide United States registry for the steamer *Marie*; and

H. R. 9090. A bill to provide United States register for the steamer *Success*.

HOUSE BILLS AND RESOLUTION WITH AMENDMENTS PASSED.

On the following House bills and resolution, reported from the Committee of the Whole House with amendments, the amendments recommended by the committee were agreed to; and the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 11802. A bill for the relief of Adolph Spiegel as the successor of the firm of Spiegel, Finkelstein & Co.; and

H. R. 10558. A bill referring the claim of Hanna S. Crane and others to the Court of Claims.

H. Res. 20. A resolution (in lieu of H. R. 2053) referring to the Court of Claims the claim of Hans Peter Guttormsen.

SENATE BILLS PASSED.

The following Senate bills, reported from the Committee of the Whole House, were ordered to be read a third time, read the third time, and passed:

S. 3199. An act for the relief of A. M. Short;

S. 1753. An act for the relief of Pay Clerk Charles Blake, United States Navy;

S. 1501. An act for the relief of James S. McIndoe; and

S. 1352. An act for the relief of Lindlay P. Kent and Joseph Jenkins as the sureties of Frank A. Webb.

WALES ISLAND PACKING COMPANY.

The Clerk reported Senate joint resolution 45, directing inquiry into the claim of the Wales Island Packing Company, reported from the Committee of the Whole House.

Mr. TIRRELL. Mr. Speaker, inasmuch as the information desired by the enactment of this joint resolution has been in part, if not wholly, ascertained by a committee at the other end of the Capitol, its enactment here, therefore, may be entirely unnecessary. I therefore move that the resolution, with the accompanying papers, be recommitted to the Committee on Claims.

The motion was agreed to.

Mr. GRAFF. Mr. Speaker, I move that the votes by which the several bills and resolutions were passed be reconsidered, and that that motion lie upon the table.

The SPEAKER. If there is no objection, it will be so ordered.

There was no objection.

FARWELL, OZMUN, KIRK & CO.

Mr. STEVENS of Minnesota. Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H. R. 16160) granting to Farwell, Ozmun, Kirk & Co. a license to make excavations and place footings in the soil of certain land belonging to the United States at St. Paul, Minn., and move that the rules be suspended and that the bill do pass.

The Clerk reported the bill, as follows:

Be it enacted, etc., That Farwell, Ozmun, Kirk & Co., a corporation organized and existing under the laws of the State of Minnesota, and engaged in business at St. Paul, Minn., be, and is hereby, granted a license:

First. To make a sufficient temporary excavation on the land of the United States adjacent to the property of said Farwell, Ozmun, Kirk & Co., to wit: On lot No. 3, in block No. 31, of St. Paul proper, according to the plat thereof on file and of record in the office of the register of deeds in and for the county of Ramsey and State of Minnesota, to enable said Farwell, Ozmun, Kirk & Co. to properly point the foundation walls of the warehouse and mercantile building now in the process of construction belonging to said Farwell, Ozmun, Kirk & Co., and situate upon lot No. 8 of auditor's subdivision, No. 35, of St. Paul, Ramsey County, Minn.

Second. To place in the soil of the land of the United States in said lot No. 3, block No. 31, of St. Paul proper, at a depth of about 20 feet, immediately adjoining the boundary line of the two properties of the United States and of said Farwell, Ozmun, Kirk & Co., sufficient stone, concrete, and rock to complete a suitable footing for the westerly wall of said Farwell, Ozmun, Kirk & Co.'s warehouse and mercantile building now in the course of construction.

Sec. 2. That this license is given subject to the following provisions and conditions:

First. That all stone, concrete, and rock or other substance placed by said licensee in the soil of the United States shall be and remain the property of the United States.

Second. That said licensee shall indemnify and save harmless the United States from any cost or expense or damage which may in any way accrue to the United States by reason of any of the excavations aforesaid or by reason of the placing of any of the aforesaid footings in the property of the United States in such manner as shall be designated by the Secretary of War.

Third. That said licensee shall refill the excavations, pack the earth firmly therein, and restore the surface of all ground excavated, and leave the same in as good condition as it was at the commencement of any excavation made by said licensee.

Fourth. That the work required or permitted by this license shall not in any way interfere with any building of the United States or the use thereof, and shall be done under the supervision and subject to the approval of the officer of the United States Army commanding the Department of Dakota, in charge of said army building.

Fifth. That in the event of the revocation or relinquishment of this license, any sum which may have to be expended in putting any premises or property authorized to be occupied or used by said licensee in as good condition for use by the United States as it was on the 5th day of October, 1904, shall be repaid by said licensee on demand.

The SPEAKER. Is a second demanded?

Mr. MADDOX. Mr. Speaker, I demand a second.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and a second is ordered. The gentleman from Minnesota is recognized for twenty minutes and the gentleman from Georgia will be entitled to twenty minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, this is a bill granting to Farwell, Ozmun, Kirk & Co., a corporation of Minnesota, a license to make an excavation on land belonging to the United States. This land is occupied by a building belonging to the United States, known as the headquarters of the Department of Dakota. This private corporation proposes to erect a warehouse on its own property, adjacent to the property of the United States. In doing so, it desires to properly place foundations of its building on its own property, and in order to do that it asks for this license to excavate temporarily about 3 feet of the ground belonging to the United States down to a depth of about 20 feet. At that place, to properly point its wall, it desires by this act to place stone and concrete and what other material may be necessary upon the property of the United States at that depth, but not probably to exceed 2 or 3 feet in height and some inches in width, at that point; then, by the conditions of this license, to replace this earth and what other material may be necessary, and leave it in exactly the same condition it was before this project was started, on the 5th of October last, and that any of the concrete or stone or whatever material is placed in the land of the United States shall become the property of the United States, and that this corporation shall indemnify and hold the United States harmless for any damages, trouble, or anything of that sort under regulations as may be prescribed by the Secretary of War.

Mr. MADDOX. Is that provided in the bill?

Mr. STEVENS of Minnesota. Yes, sir; on page 2 of the bill, section 2 of the license. I would state that this was started in October; that this concern appeared before the Secretary of War. He had the matter investigated by the commander of the Department of Dakota, who has his office in this very building and has the charge of it. The department commander investigated this thing himself, and the War Department realizes that it is for the advantage of the Government in this particular if the building is hereafter to be extended, as is not probable, but if it should be, this concrete or stone or material placed in the earth would become a part of the party wall that would be necessary to be used by the United States Government, and that is what it practically is. So, under these circumstances, the War Department granted a temporary license to make the excavation until Congress should convene and determine what should be done. Of course, the concern has not touched the property. It has waited until it could see what action Congress should adopt. I am personally quite familiar with the situation. I visit that building nearly every day when I am at home. I believe it would not only not be a detriment to the building, but I believe, with the officers of the War Department, that it would be of advantage to the United States, because if necessary some time that could be used for a party wall without any expense to the United States Government. That is all provided in this bill. The Secretary of War has authority by this to make any regulations that may be necessary to protect the United States against any possible loss and require any sort of indemnity he may deem necessary. The Quartermaster-General and the Secretary of War have recommended this bill favorably, and it is recommended favorably by a unanimous vote of the Committee on Military Affairs. I believe the rules should be suspended and this bill should pass.

Mr. MADDOX. Mr. Speaker, I demanded a second in order that the bill might be explained. I have nothing to say. I am satisfied.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill which has been reported from the Clerk's desk.

The question was taken; and, two-thirds (in the opinion of the Chair) having voted in favor thereof, the rules were suspended and the bill was passed.

HOMESTEAD SETTLEMENT AND ENTRY IN ROUND VALLEY INDIAN RESERVATION, CAL.

The SPEAKER. The Chair overlooked the bill H. R. 15011, which is on the Calendar as unfinished business under this order and will have preference over other motions. The Clerk will report the bill by its title.

The Clerk read as follows:

A bill (H. R. 15011) to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

The SPEAKER. The note on the Calendar shows "Pending in the House, under suspension of the rules, a second being ordered, Mr. BELL of California having used seven minutes in favor of and Mr. LIVERNASH five minutes in opposition to the bill." The gentleman from California [Mr. BELL] is entitled to thirteen minutes and the gentleman from California [Mr. LIVERNASH] to fifteen minutes.

Mr. LIVERNASH. Mr. Speaker, I rise to lay before the House, with brevity, my reasons for opposing the pending bill. I do this not expecting, within the limitations governing debate on a motion to suspend the rules, to prevail as against the recommendation of the Secretary of the Interior and the report of the Committee on the Public Lands, but wishing the record to show that I am unconvinced by that recommendation and not persuaded by that report, and that I believe the action about to be taken will be regretted, as time goes on, by those among us who are deeply concerned that the relations of the United States to its Indian wards shall be above reproach.

In Round Valley, northern California, is an Indian reservation, said to be more extensive than the present needs of the Indians within its boundaries. The bill provides that the surplus lands, estimated to have an area of 62,419 acres, shall be opened to settlement "under the provisions of the homestead laws of the United States"—language exceedingly misleading.

If this measure were otherwise unobjectionable, I submit that the House should not proceed to pass upon it in advance of careful consideration of the plight of the Indians of northern California in general; for it may well be that these lands, though not required by the Indians at present on the reservation, are needed by Indians no less deserving of attention who are not in Round Valley and as to whom the Federal Government has been guilty of neglect.

In this connection I remind the House of the numerous petitions it has received during the life of the Fifty-eighth Congress praying legislation in relief of the thousands of landless Indians in the State of California; and I shall lay before the House a memorial in that regard I have to-day received from the Northern California Indian Association, and shall append to my remarks a copy of this memorial and a copy of a letter and an accompanying earlier memorial from the same important body.

From the later of these memorials I quote two paragraphs:

In the early days of American occupation commissioners were sent out from Washington to make treaties with the Indians of California, and treaties were actually negotiated with some eighty or ninety bands. These treaties contained the provisions usual to such treaties of the time, but none of them were ratified by the United States Senate, and so, in the governmental view, never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties without in any manner carrying out its part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also, and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in process of being allotted. These Indians number about 1,700. The great body of northern California Indians, who were faithful to their treaty obligations notwithstanding the bad faith of the Government, have received nothing—not even school privileges for their children or the equal protection of the law. These Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

How unhappy is the situation of some of these wronged Indians may be suggested to the House by this quotation from the letter I have mentioned:

A few years after the American occupation of California a treaty was made with the Colusa Indians by which they sold their lands to the United States, retaining as a reservation about 160,000 acres of land between Butte Creek and the Sacramento River. This land is now worth from six to eight millions of dollars. The treaty was never ratified, the Indians never received a cent of the money promised them in the treaty, and their reservation was occupied by settlers and taken up as Government land. The number of this tribe has been reduced in fifty years from about 1,000 to less than 100. A band of about forty are now living on one of the burial mounds of their ancestors, near Grand Island, Colusa County. They are huddled together on about 4 acres of land, in a wheat field, and surrounded by a barbed-wire fence. The sanitary condition is wretched, and their only water supply is a well 10 feet deep among the graves.

Surely the Congress will sooner or later legislate to mitigate in some measure the grievous injustice the United States has visited upon the inoffensive California Indians left landless in the vast hunting grounds of their fathers. That legislation may follow the reservation plan of dealing with the Indians, or the plan urged by the Northern California Association (a small holding of land for every Indian), or some plan not yet proposed. But, sir, can it be wise at this stage of the case, with no plan agreed upon, to part with these Round Valley lands? Would it not, rather, be prudent to hold them as they are until we shall

have given the landless Indians of the regions thereabout some thought in this assembly?

All of this, Mr. Speaker, on the assumption that the bill is unobjectionable save on the ground thus far discussed. But it is not so free from flaw.

The measure provides for an appraisal of the surplus lands, but excludes "improvements" from this appraisal, and then continues:

The said lands when surveyed and appraised shall be subject to settlement and entry under the provisions of the homestead laws of the United States; and all actual and bona fide settlers upon said lands on January 1, 1904, shall have a preference right to enter and hold the lands actually occupied by them, respectively, not exceeding one quarter-section, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers.

It seems to me, sir, an essentially improper policy for the Congress to make the trespass of squatters a basis of preferential rights. No settler can be lawfully upon the lands affected by this bill; and if they are to be sold, it appears to be the plain duty of the Congress to abstain from giving the wrongdoer, the trespasser, superiority over the citizen who has not trespassed, the citizen who has done no wrong.

At the very least, I think, the bill should carry an amendment providing that preference to squatters shall be given only on condition of payment (for the benefit of the Indians) of whatever, in the judgment of the Secretary of the Interior or by the findings of Federal appraisers, may be reasonable rental of the occupied lands for the period of unlawful occupation.

To give a premium for trespass would be improper as a general proposition, I should say; but in this particular case I believe it would be improper in an extraordinary degree, because some of the trespassers on these Round Valley lands gained and have held their squatter tenure by blood crimes. The history of Round Valley is written in scarlet, and the feuds of the trespassers have filled many an unmarked grave.

In concluding this statement of the reasons moving me to dissatisfaction with the bill, I inform the House that I am in receipt of a letter from a gentleman connected with the Northern California Indian Association, mentioning, incidentally, a report to the effect that the lands it is proposed shall be sold contain "considerable deposits of lignite coal of the best quality yet discovered in California." He does not vouch for the accuracy of the report, and I know nothing on the subject personally; but the letter gives me an additional motive for wishing my vote to-day to count against the hastiness of legislation the pending motion contemplates.

Mr. BELL of California. Will my colleague yield to me for a question?

Mr. LIVERNASH. With pleasure.

Mr. BELL of California. You say that you have received a letter. Is that letter from Mr. C. E. Kelsey, secretary of the Northern California Indian Association?

Mr. LIVERNASH. Yes.

Mr. BELL of California. Of what date was that letter—December 13?

Mr. LIVERNASH. I do not remember the date. The letter was received by me this morning. It is signed by Mr. C. E. Kelsey, as secretary of the Northern California Indian Association. I do not mention the letter as proof that the report concerning coal deposits is true, for Mr. Kelsey writes of it as one writes of unverified reports and not as expressing any personal knowledge, and I know nothing of the matter myself. The circumstance that there is such a report, however, appears to me an additional reason why the bill should not be rushed to passage under suspension of the rules, but should come before the House when reached upon the Calendar.

Mr. BELL of California. Mr. Speaker, a careful reading of the bill now under discussion will show that the interests of the Indians of the Round Valley Indian Reservation in the State of California are being amply protected and safeguarded by the provisions of the bill. After the original bill was introduced and referred to the Committee on Public Lands it was then sent to the Secretary of the Interior for his opinion. The matter was taken up in detail in the office of the Commissioner of the General Land Office, in the office of the Commissioner of Indian Affairs, and with the Secretary of the Interior himself; and the bill now under consideration is a bill that has been drawn in the office of the Secretary of the Interior and unanimously reported favorably to this House by the Committee on Public Lands.

This Indian reservation in the State of California was not acquired from the Indians or through the Indians by any treaty stipulation. It was carved out of the public domain in the early seventies by Executive orders. In 1890 the Congress of the United States came to the conclusion that the reservation was

too large and ought to be reduced, and on the 1st day of October, 1890, a law was passed in Congress reducing the reservation and authorizing the President of the United States to allot to the Indians in severalty as much agricultural land as he thought they should have, and also timber and grazing lands. After that allotment had been made by the President of the United States there remained some 64,000 acres of land cut off from the reservation. The land that has been relinquished is rugged and mountainous and hardly habitable for human beings. The bill of 1890 provided that these relinquished lands should be appraised and then offered for sale after being surveyed in lots of 640 acres each. That was done. The lands were surveyed. They were appraised in 1894, and on the 19th day of April they were offered for public sale, but only 1,200 acres out of some 64,000 acres were sold.

Since then nothing has been done with this land. The Indians have not had the use of it, they have not occupied it; but during the last ten years some poor white men have gone into those mountains and established their homes. They have not gone in there for the purpose of stealing anything from the Indians. They have not committed trespass, they have not wronged the Indians in the slightest degree; but they have built their little homes upon these lands, and they now come to the United States Congress and ask you to provide a method by which they may gain title to those homes.

This bill simply provides that these lands shall be surveyed in tracts of 160 acres each, and opened to homestead entry, and that these men who now live there may have the first right to enter, and receive credit for the time that they have lived upon the land. But before they can gain any title they must pay the Indians for the lands. The lands are to be reappraised, and no man now living there will be able to gain title to a single acre until he pays the Indians whatever the appraised price may be.

My colleague from California [Mr. LIVERNASH] claims to have some special personal knowledge as to great wrongs that have been perpetrated upon the Indians of northern California. If he has such knowledge, I ask him why it has never been brought to the attention of the Commissioner of Indian Affairs? Does any man believe that if these grievous wrongs have been committed the Commissioner of Indian Affairs would not have some knowledge of them? That department has its agent in Round Valley. That agent of the department has been consulted in regard to the provisions of this bill and he favors the passage of this measure. My colleague from California [Mr. LIVERNASH] also asserts that he has received a letter from a Mr. Kelsey, who is at the head of some organization to protect the landless Indians of California. I myself received a letter from Mr. Kelsey this very morning, dated December 13, 1904. He is supposed to be protecting the rights of the Indians of the State of California, and this is what he says:

Would you kindly send me a copy of your bill for the opening of the unallotted lands of the Round Valley Indian Reservation? It has always been our policy to advocate the elimination of reservations as fast as they can possibly be segregated. We do not therefore oppose the opening of Indian lands to settlement, contenting ourselves with seeing or trying to see that the Indians receive fair prices and fair treatment.

According to the provisions of this bill, the Indians residing upon the reservation are amply protected. The lands will be impartially appraised, and the Indians will be given the money. They have not had possession of these lands for fourteen years. The white man has had possession, but only by squatter's right. It is not right or proper that that great tract of land out there in the mountains should continue in its present condition. The white man ought to have an opportunity to settle upon it and be given a home. Some parts of it are almost inaccessible. I do not know why any white man should really want to make his home out there in those mountains, 50 miles from the railroad, where there is no level land; but some people have seen fit to go there. They have carried their lumber into those mountains over those trails on horseback. They have built a little school-house there in order that their children may be given a liberal education. They have done those things that comport with good citizenship. They have not committed any wrong. I stand here to defend them. I know them, and I know them to be good, honest, law-abiding citizens. They would wrong no one. All these tales about hidden and unhidden graves out there make good stories for the newspapers, but I do not know that any crime or any bloodshed has ever resulted from the segregation or relinquishment of these lands, and I am pretty well acquainted with the situation there. I trust that this bill, which has come from the Department of the Interior, which has received the sanction of the Committee on the Public Lands, after fair and impartial consideration, may pass this House by the requisite two-thirds vote.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit a question?

Mr. BELL of California. I yield to the gentleman from Texas.

Mr. STEPHENS of Texas. I desire to know what committee reported this?

Mr. BELL of California. The Committee on the Public Lands.

Mr. STEPHENS of Texas. I wish to state that this is only in line with the policy adopted by the committees having charge of Indian affairs in the Senate and House—to open up all Indian reservations, especially reservations of this sort. As I understand it, this is an Executive reservation, laid off by order of the President.

Mr. BELL of California. That is true.

Mr. STEPHENS of Texas. And as I understand the gentleman's statement—I have not had a chance to read the bill—allotment has already been made to these Indians.

Mr. BELL of California. Fourteen years ago.

Mr. STEPHENS of Texas. Can you state to us how much land was given to each Indian and whether it was given to individual Indians or to the family?

Mr. BELL of California. I do not know. The original bill provided that the amount of land—agricultural, grazing, and timber land—should be left to the discretion of the President. As a matter of fact, I do not know how many acres were allotted to each Indian, but the Indians have been satisfied. There are 811 of them, I think, upon that reservation—men, women, and children—according to the last census, and they have some very rich land. They have more than they are cultivating, and some of them do not even keep the fences up, and do not make the proper use of it, as the situation is now. Their land is good level land in the floor of the valley.

Mr. STEPHENS of Texas. As I understand, they had the choice of the entire reservation?

Mr. BELL of California. They took the choicest and richest land of the reservation—the only level land there was.

Mr. STEPHENS of Texas. The object is to open the rest for settlement?

Mr. BELL of California. Yes.

Mr. STEPHENS of Texas. As I understand, the price was set too high and a very small portion of it was selected.

Mr. BELL of California. Only 1,200 acres. It was surveyed in too large tracts, so that a person had to buy 640 acres if he bought any. The object of this bill is to give them a right to take 160 acres under the homestead act. This bill authorizes the President to appoint a commission or special agent for the purpose of reappraising the land, and allows the settlers to pay for it in five equal annual installments.

Mr. STEPHENS of Texas. Not less than the appraised value?

Mr. BELL of California. Not less than the appraised value.

Mr. BEALL of Texas. How many squatters, if the gentleman can inform me, are there on these lands?

Mr. BELL of California. I think about forty families at the present time.

Now, Mr. Speaker, I ask unanimous consent that I may be permitted to insert in the RECORD, as a part of my remarks, a copy of the original bill offered by me, a copy of the bill as substituted by the Department, and the report.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

The bill and report are as follows:

A bill (H. R. 7631) to open to homestead settlement the relinquished portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

Be it enacted, etc., That all lands relinquished from the Round Valley Indian Reservation, in the State of California, under an act entitled "An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes," approved October 1, 1890, are hereby opened to settlement under the provisions of the homestead laws of the United States, and all actual and bona fide settlers upon said lands at the time of the passage of this act shall have the preference to enter and hold the lands actually occupied by them, respectively, not exceeding one quarter section, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

ROUND VALLEY INDIAN RESERVATION, CAL.

April 12, 1904.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed. Mr. NEEDHAM, from the Committee on the Public Lands, submitted the following report to accompany H. R. 15011:

The Committee on the Public Lands, to whom was referred the bill (H. R. 7631) to open to homestead settlement and entry the relinquished portions of the Round Valley Indian Reservation, in the State of California, and for other purposes, report the same back to the House

of Representatives, and recommend the adoption of the following bill as a substitute therefor:

"A bill to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands relinquished from the Round Valley Indian Reservation, in the State of California, under an act entitled 'An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes,' approved October 1, 1890, which have not heretofore been disposed of, shall be surveyed in accordance with the Government surveys and reappraised, exclusive of improvements, by a commission of three disinterested persons, to be appointed by the President, or by a trusted inspector or special agent of the Department of the Interior, as the President, in his discretion, may direct. The said lands, when surveyed and appraised, shall be subject to settlement and entry under the provisions of the homestead laws of the United States; and all actual and bona fide settlers upon said lands on January 1, 1904, shall have a preference right for ninety days after the same shall be opened to settlement to enter and hold the lands actually occupied by them, respectively, not exceeding one quarter section, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers. Each entryman of any said lands shall pay for the same at the appraised price, payments to be made in five equal annual payments, with interest on all deferred payments at the rate of 5 per cent per annum. Commutation under section 2301, Revised Statutes, shall not be allowed of any entry made for any of these lands.

"Sec. 2. That the funds arising from the sale of said lands shall be disposed of as provided in section 4 of the act of October 1, 1890, providing for the disposal of the Round Valley Indian Reservation."

HISTORY OF THE LANDS.

The lands affected by this bill were originally a part of the Round Valley Indian Reservation, in the State of California. By act of October 1, 1890 (26 Stat. L., 658), it was provided: "That the President of the United States be, and he hereby is, authorized and directed to cause the agricultural lands in the Round Valley Indian Reservation, in the State of California, to be surveyed into 10-acre tracts, and to allot the same in severalty to the Indians belonging thereon, under the provisions of the act of Congress approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes:' *Provided*, That he may cause said agricultural lands to be allotted in such quantities and to such classes as he may deem expedient and for the best interests of said Indians: *And provided further*, That a sufficient quantity of said agricultural lands shall be reserved for agency, school, and mission purposes. In addition to the allotments of agricultural lands to said Indians in severalty, there shall be reserved a reasonable amount of grazing and timber lands for their use, to be used by said Indians in common, or the President may at any time, in his discretion, cause the same to be allotted in severalty under the provisions of said act of February 8, 1887, in such quantities and for such classes as he may deem expedient. Said grazing and timber lands shall be selected by a commission of three disinterested persons to be selected by the President."

By section 3 of the act of October 1, 1890, Congress further provided that the unallotted grazing and timber lands should be surveyed into tracts of 640 acres, appraised by a commission of three disinterested persons, and when so surveyed and appraised these lands should be sold at public auction, after due notice, to the highest bidder, at a price not less than the appraised value and not less than \$1.25 an acre.

By section 4 of the act the funds arising from the sale of these lands, after paying the expenses of survey, appraisement, and sale, and after reimbursing the United States for certain improvements, which are unnecessary to mention, were to be placed in the Treasury of the United States to the credit of the Indians.

The said remainder of the grazing and timber lands was surveyed into tracts of 640 acres, as nearly as possible, and the lands appraised at from \$1.25 to \$3 per acre, except one tract appraised at \$3.50 and one at \$5 per acre. The report of the appraisement was approved by the Department August 7, 1893, and under the provisions of said section 3 of the act of October 1, 1890, the lands were offered at public sale April 19, 1894, in accordance with instructions approved by the Department September 25, 1893.

The report from the local office at San Francisco, Cal., dated April 19, 1894, shows that only five of the tracts offered at said sale were disposed of. Area of land sold, 1,223.43 acres, leaving 62,419.14 unsold for want of bids. The register and receiver, in reporting upon the offer, stated:

"The sale was not a successful one. In our opinion the principal reason is that the appraised value was too high and in too large tracts, a party being required to purchase a large quantity of poor land in order to get a small portion of good."

Since the public sale on April 19, 1894, no further action has ever been taken by the Department of the Interior looking to a further sale of the land. It is the 62,419.14 acres above referred to that are affected by this bill.

The committee has referred this matter to the Secretary of the Interior, and the substitute bill that is now reported has been recommended by the Secretary.

The committee therefore recommends that said substitute bill do pass.

Mr. LIVERNASH. Mr. Speaker, my colleague [Mr. BELL of California] surprises me by his denial of my statement touching crimes in Round Valley. I have lived in the California county wherein this reservation lies, and am familiar with the blood-stained history to which I have alluded. In the hidden valley mentioned here have been fought feuds Corsican in bitterness and violence. I had thought no Californian could be unaware of them.

Mr. BELL of California. Will the gentleman yield?

Mr. LIVERNASH. I regret my time has so nearly expired that I can not.

I am not impressed by the suggestion that I should have complained to the Interior Department concerning lawlessness in Round Valley. The existence or nonexistence of criminal vio-

lence there is not to be established so. I fancy that Department has many cogent reasons to know of the truth of the statement I have made here to-day.

Mr. BELL of California. If the gentleman will yield to me, I have two minutes left of my time which I will give to him.

Mr. LIVERNASH. I yield to my colleague from California.

Mr. BELL of California. Is it not a fact that the feud and these murders the gentleman has alluded to took place over the George White tract of land, about 40 miles in length, reaching from Round Valley into Humboldt? Is not that the feud that the gentleman refers to?

Mr. LIVERNASH. The feud of which the gentleman [Mr. BELL of California] makes mention has been the backbone of Round Valley's violence; but the gentleman is in error in assuming that feud to have had no relation to reservation lands, and is mistaken if he believes it the only feud crimsoning the history of the fair valley it has disgraced. A score of graves give testimony of lawless struggles there directly and indirectly associated with the lands of the Indians.

Mr. FITZGERALD. Is the gentleman's objection to the bill based on the provision that it gives preferential rights to those now occupying the land?

Mr. LIVERNASH. That is one of my objections.

Mr. FITZGERALD. Does the gentleman know how many families or persons now occupy this land?

Mr. LIVERNASH. Not accurately. Practically all of the unallotted lands having present value are occupied by squatters, however.

Mr. FITZGERALD. All of the 62,000 acres?

Mr. LIVERNASH. Practically all having present value.

Mr. FITZGERALD. In quarter-section holdings?

Mr. LIVERNASH. Ostensibly, in some cases; really, in others. The situation is not free from the dummy-settler abuses with which the country has become familiar.

Mr. BELL of California. Is it not a fact that there are not over forty families upon the land?

Mr. LIVERNASH. I have already explained that I have not the number of settlers with accuracy.

Mr. BELL of California. Under the provisions of this bill they can not acquire more than 160 acres.

Mr. LIVERNASH. It is true that the bill restricts each entryman to the acquisition of 160 acres; but the experience of the United States with its timber lands abundantly demonstrates that restrictions of that sort do not in practice restrict. Dummies are put forward by daring land grabbers, and vast tracts fall into the ownership of a few manipulators.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask this question, as to how long these squatters, as the gentleman calls them, have been on these Indian lands—how many years?

Mr. LIVERNASH. Some of them for more than fifteen years, others for less.

Mr. STEPHENS of Texas. How old is this reservation? When was it segregated from the public domain and made an Indian reservation?

Mr. LIVERNASH. The reservation was established in the seventies. I can not be more definite without consulting papers not at the moment available.

Mr. STEPHENS of Texas. How long ago?

Mr. BELL of California. Back in 1870.

Mr. STEPHENS of Texas. Were not some of these men settlers on this land before it was made an Indian reservation?

Mr. LIVERNASH. Possibly there may be such cases. I have not heard of any.

Mr. STEPHENS of Texas. Is it not a fact that such men would be innocent purchasers in good faith?

Mr. LIVERNASH. The allotment of Round Valley Reservation lands was authorized in 1890, and sale of the unallotted grazing and timber lands was directed by the statute authorizing the allotment. I can not at the moment give detailed information of the beginning of squatter tenure of each of the trespassers now upon the unallotted lands, but this I know, that the men now on the lands are in fact and in law trespassers. At no time was their entry authorized by law.

Mr. CURTIS. Mr. Speaker, I desire to ask a question of the chairman of the Committee on Public Lands, if the gentleman from California [Mr. LIVERNASH] will yield. I desire to know if it is attempted by this bill to open up the lands which were reserved for the use of the Indians for grazing and timber purposes? I see this bill comes from the Committee on Public Lands. If it is to open the land which was reserved for the use of the Indians for timber and grazing purposes, then the bill should have gone to the Committee on Indian Affairs, and not to the Committee on Public Lands.

Mr. LACEY. Mr. Speaker, the details of this matter can be answered more fully, I think, by the gentleman from California

[Mr. NEEDHAM], who reported the bill. My understanding is that it is only agricultural lands.

Mr. LIND. Mr. Speaker, under the original adjustment with the Indians, by which they were authorized to reserve allotments, the grazing, timber, and agricultural lands were segregated for their use and conveyed to them. This is a surplus portion.

Mr. CURTIS. It does not cover any part of the grazing or timber land which was reserved to the use of the Indians.

Mr. LIND. Mr. Speaker, under the original adjustment with directed to be sold and could not be sold.

Mr. LIVERNASH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. LIVERNASH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LIVERNASH. In pursuance of the consent thus given, I append to my remarks a letter and two memorials touching the situation of the landless Indians of northern California.

They are as follows:

[Letter from Northern California Indian Association.]

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION,
San Jose, Cal., December 24, 1903.

Hon. EDWARD J. LIVERNASH,
House of Representatives, Washington, D. C.

SIR: The annexed petition is the result of ten years' study of the condition of northern California Indians, and careful thought regarding the wisest measures to be taken on their behalf. We desire to enlist the cooperation of all conscientious people in our endeavor to make public the facts in the case, and to induce Congress to take efficient action toward the relief of these defrauded and, in many cases, destitute Indians. We beg your attention to the following instances, which are typical of the history and present state of the vast majority of the Indians north of the Tehachapi Pass.

MANCHESTER.

At Manchester, in Mendocino County, a band of seventy-five Indians were living on land which they had purchased by day labor, but their title to which had never been legally recorded. They had built houses, cultivated gardens, purchased horses and cows. Upon the death of the original owner of the land his successor claimed the Indians' tract, plowed up their gardens, and ordered them to leave. Having no recorded title, they were obliged to do so, losing all the result of their labor and courage as well.

COLUSA.

A few years after the American occupation of California a treaty was made with the Colusa Indians by which they sold their lands to the United States, retaining as a reservation about 160,000 acres of land between Butte Creek and the Sacramento River. This land is now worth from \$6,000,000 to \$8,000,000. The treaty was never ratified, the Indians never received a cent of the money promised them in the treaty, and their reservation was occupied by settlers and taken up as Government land. The numbers of this tribe have been reduced in fifty years from about 1,000 to less than 100. A band of about 40 are now living on one of the burial mounds of their ancestors near Grand Island, Colusa County. They are huddled together on about 4 acres of land in a wheat field and surrounded by a barbed-wire fence. The sanitary condition is wretched, and their only water supply is a well 10 feet deep among the graves. A band of about the same size is squatted on the levee near the village of Princeton.

CRESCENT CITY.

At Crescent City, in Del Norte County, are found about 60 Indians living upon the sea beach, where their forlorn little unpainted huts are liable to inundation at flood tides. Until a few years ago they lived upon land appertaining to a Government light-house station, where they took refuge from white aggression. But the Government, too, failed to recognize Indian right of occupancy. The land was sold and the Indians set adrift, to be caught, like flotsam and jetsam, among the sedge grass of the ocean beach bordering the land of their ancestors, where there was no longer a foothold for them.

They are now living in great squalor and misery, and their moral condition is even worse than their physical, for in their destitution they have been forced into the position of a "tenderloin" district for a lumbering community. A recent statement of a prominent resident of Crescent City that the presence of the Indians there constituted a menace to the morals of the community is probably not ill founded.

The Indians of Sulphur Bank, numbering about forty, and of East Lake, numbering about thirty-five, both in Lake County, Cal., have recently received notice to "move on" and leave the homes they have occupied for many years. Fully 10,000 Indians in northern California are liable to eviction any day.

The story of the Warner's ranch Indians elicited the sympathy of the entire nation and won substantial aid from Congress. At Warner's ranch 300 Indians were to be rendered homeless. In northern California between the Tehachapi Pass and the Oregon line, about 600 miles, 10,000 Indians are and have been homeless ever since the early days of white occupation. The present Indians are the survivors of the natives, numbering probably 150,000 when the State of California passed under the control of the United States. Unprotected and virtually unrecognized by State or Federal law, subject to persecution and slaughter by the white settlers, only a remnant remains to claim justice and protection from Government and people to-day.

It is too late to set aside Indian reservations, were these desirable, and it would be useless to importune Congress to pay the full amount of money due in return for lands taken, but it is not too late to give our surviving Indians small holdings, 5 or 10 acres each, that they may have an incentive to frugal living and advance in civilization. When security of tenure and educational advantages have been given, California Indians have shown ability to improve, just as others have done.

When Government lands exist in the neighborhood of Indian villages

these can be utilized if of suitable character. But when none is found land must be bought and subdivided.

The petition inclosed has the indorsement of the Indian Rights Association, and the Commissioner of Indian Affairs has stated his approval of Government aid to landless Indians of northern California.

We should be glad to receive any assistance which you may offer. If you will secure some signatures to the inclosed short petition and send the same to any Member of Congress it will be of great value.

On behalf of the Northern California Indian Association.

Mrs. T. C. EDWARDS, President.

C. E. KELSEY, Secretary.

[Memorial transmitted with the foregoing letter.]

To the honorable the Congress of the United States:

The undersigned, the Northern California Indian Association, hereby respectfully petitions and prays your honorable body for the relief of the landless Indians of northern California.

The petitioner is a body corporate under the laws of the State of California, having its principal place of business in the city of San Jose, Cal., and is organized for "benevolent, charitable, and missionary purposes for the benefit of the Indians of California, among which purposes are the following:

"To aid the Government and people of the United States in preventing all oppression of Indians, and securing to each and every Indian the same rights, protection, and privileges under the laws, whether national or State, as are secured to all citizens and inhabitants of the United States of whatever race or color.

"To engage in and aid in educational, missionary, and other work among the Indians of California, for their benefit and advancement, in the same manner, as far as may be, as that pursued by the National Indian Association of the United States."

During the last nine years the petitioner has had occasion to investigate carefully the conditions surrounding the northern California Indians and the causes of their present state.

We find that outside of California it has been the universal practice of the National Government to pay Indians for their lands. We believe we are correct in saying that in every other State and Territory the Indian title to the soil has been recognized by the Government of the United States and has been extinguished only by payment therefor. In northern California the Indians have never received a single dollar for their ownership of more than 100,000 square miles of the most beautiful and valuable country in the world.

In the early days of the American occupation the National Government recognized the title of the Indians to their lands by making treaties with them. We are informed that treaties were made with between eighty and ninety bands of northern California Indians. These treaties contained the provisions usual to Indian treaties, but were never acted upon by the Senate, and so in the governmental view never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties without in any manner carrying out its own part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also, and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in process of being so allotted. These Indians number about 1,700. The great body of northern California Indians, who were faithful to their treaty obligations, notwithstanding the bad faith of the Government, have received nothing, not even school privileges for their children or the equal protection of the law. These Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

The results of the failure of these treaties have been disastrous to the Indians of northern California. They secured the greater part of their living from the soil, and with the loss of their land, which has come sooner or later, their means of securing a livelihood is at an end, and they have been plunged into the extreme of destitution and misery. The vices and diseases imported with civilization have been fatal to the majority, and the mortality has been so great that it is estimated that their number to-day is not more than 12 or 15 per cent of their number sixty years ago. With the loss of their lands the Indians have become squatters and tenants upon sufferance, and have been the victims of a constantly increasing series of evictions as the white population has increased and the pressure for land has grown greater. The uncertain tenure and enforced removals has largely prevented missionary and school work among them, while race prejudice has for the most part barred their children from the public schools. Their position has year by year been growing more desperate, and the misery to which some of the bands have been reduced is now extreme.

The few Indians who have lands are in far better condition. Most of these have received or are in process of receiving their allotments in severalty and have had educational and missionary instruction for many years past. The present unfortunate condition of the nonreservation Indians of northern California is largely or perhaps wholly owing to their landless condition. And this landless condition results from the seizure of their lands by the Government of the United States without payment therefor. We therefore earnestly petition and pray that lands be granted to the landless Indians of northern California.

We do not wish reservations established for them. Reservations would be very expensive for the Government, and, we think, undesirable for the Indians in many ways. We ask that land be given them in severalty under the tenure, and with the probationary period, or greater, of the general allotment act. Our Indians have been more or less in contact with civilization for years, and are, we are convinced, ready for allotments in severalty. We do not ask for large farms. Most Indians would be unable to use a large farm properly. Small tracts, we think, will be sufficient. We furthermore sincerely trust that these Indians will not be pauperized by gifts of money or goods. The Indian standard of living is very low, but such as it is they earn what they have, and we should be sorry to see their independence lessened in any manner. In our opinion the Government may in some measure repair the wrong it has done these people by giving them individually small tracts of land and increasing the school privileges for their children.

In the matter of schools the Government has already made a beginning. There are now in existence in northern California two training schools and six day schools maintained by the United States, chiefly for the landless Indians. These schools had an aggregate enrollment

during the last year of which we have statistics, of 310, and an average attendance of 218. A few pupils from this section attend other training schools. There are also schools supported by private funds at Fall River, Aldin, Hopland, and Kelseyville, and a few attend the public schools. Altogether less than 600 are now attending any kind of school, and there are more than 3,500 children of school age among our nonreservation Indians.

This petitioner has also made extensive inquiries as to the land available for settlement by these Indians. We find that there is very little land of the class called in California "agricultural land" available for entry; that the grazing lands are not well suited for the purpose, and are largely in the possession of cattlemen; that timber land can not under the law be allotted to Indians; that only steep canyon sides, tops of ridges, barren peaks, and deserts remain in the hands of the Government.

The allotments already made are chiefly of this character. And so barren and sterile are they that more than two-thirds of the Indians receiving allotments are compelled to reside away from their allotments in order to live. Heads of families representing from 2,000 to 2,500 Indians have now allotments. About 1,000 more live upon lands owned by Indians themselves or by religious or charitable organizations for their benefit.

The great body of landless Indians live in places remote from Government lands. Very little of the vacant land is capable of furnishing a living to anyone. To place these Indians upon such lands would mean wholesale starvation. The Indians are intensely attached to the localities where they have lived for generations and refuse to live elsewhere. They also have the acquaintanceship and means of making their own living, such as it is, where they now are, and if they are granted lands in the neighborhoods where they now live they will be no further expense to the United States; whereas if they be sent to any of the Government land now remaining they will be a source of expense for years to come.

We therefore recommend and petition that our landless Indians be given small tracts of land in severalty where they now reside; that their own lands be given them wherever possible, and that a sufficient sum be appropriated to purchase these tracts wherever there is no Government land available. The amount required for this purpose would be but a small part of the sums received by the Government from the sale of the Indian lands, and far less than is due the Indians under the treaties which the Government has accepted on the one hand and repudiated on the other.

The nonreservation Indians of northern California are further subject to certain legal disabilities. As these Indians did not become citizens under the treaty of Guadalupe Hidalgo, and as there has since been no legislation making them citizens, the State of California has regarded them as subject to the protection of the National Government the same as other Indians; while since the failure of the treaties the General Government has repudiated all responsibility for them as wards of the United States. This has left these nonreservation Indians without any recognized legal status—a fact which has, in those parts of California where racial prejudice against Indians is still strong, subjected them to much oppression and abuse.

We attach herewith a schedule showing the location and population of each Indian settlement of which we have been able to learn, and certain correspondence respecting the matters touched upon in this petition.

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION.
Mrs. T. C. EDWARDS, President.
C. E. KELSEY, Secretary.

Schedule showing the location and numbers of the various bands of nonreservation Indians of northern California, as accurately as the Northern California Indian Association is able to ascertain them at present. We estimate that there are at least 1,000 more not yet located:

Alameda—Niles, 8; Pleasanton, 70.
Alpine—Markleville, 150 (no complete report).
Amador—Buena Vista, 45; Franklin, 30; Gilbert, 65; Ione, 10; Jackson, 40 (have 320 acres of land owned by the United States); Julian, 20; Pigeon Creek, 10; Union, 20; Plymouth, 25.
Butte—Bald Rock, 25; Bidwells Bar, 20; Biggs, 80; Chico, 70 (on the Bidwell ranch); Cherokee, 15; Clayton, 5; Concow, 5; Dredger, 25; Houtcut, 40; Lumpkin, 25; Mesilla Valley, 15; Mountain Spring, 55; Reservoir, 10; Oroville, 10; Webster, 5.
Calaveras—Angels, 40; Avery, 25; Cave City, 30; Railroad Flat, 10; Murphys, 50; Sheep Ranch, 25; Valley Springs, 5; Washington Flat, 35; West Point, 10.
Colusa—Leesville, 30; Grand Island, 40; Cortina, 10; Stony Ford, 15; Ninemile, 35 (on 40 acres leased by Northern California Indian Association); Sites, 6; Hyper Creek, 20; Cooks Spring, 16; Wine Ranch, 20.
Contra Costa—Byron, 20; Danville, 5.
Del Norte—Island, 48; Rockbilly, 20; Toootootmi, 18; Smith River, 57; Yontocket, 32; The Corners, 8; Toward Crossing, 35; Up River, 2; Willow Creek, 1; Cushionhouse, 5; Chacha, 7; Crescent City, 69; Sand Lots, 28.
El Dorado—Blairs, 30; Buckeye, 25; Greenville, 20; Latrobe, 20; Mount Aukum, 5; Nashville, 70; Pigeon Creek, 35; Placerville, 15; Rey, 125; River, 30; Sly Park, 15; Tennessee, 5.
Fresno—Big Sandy, 70; Deer Park, 10; Drum Valley, 15; Hopewell, 5; Lower Mill Creek, 30; Meadow, 25; Mill Creek, 120; Millerton, 65; Millwood, 45; Mountain View, 30; Pine Grove, 50; Sanger, 8; Squaw Valley, 35; Sycamore, 20; Thermal, 8.
Glenn—Elk Point, 20; Grindstone Creek, 20; Orland, 5.
Humboldt—Korbel, 5; Blue Lake, 4; Glendale, 17; Jones Creek, 29; Mad River, 5; Maple Creek, 18; Redwood Creek, 63; Upper Maple Creek, 31; Bucksport, 8; Elk River, 2; Indianola, 56 (own 27 acres); Eel River, 84; Van Duzen Creek, 3; Dryersville, 37; Mattole, 5; Bear River, 2; Orleans, 105; Trinity, 25; Dobbys Creek, 15; Burr Creek, 12; Trinidad, 50; Big Lagoon, 15; Stone Lagoon, 5; Orick, 6; Lower Klamaths, off reservation and having no allotments, 160 (some estimate these as high as 300).
Inyo—Bishop Creek, 120; Big Pine, 175; Fish Springs, 50; Irving, 190; Independence, 110; Keeler, 50; Lone Pine, 15; Lakeby, 10; Milton, 100; Owens, 10; Poleta, 15; Riverside, 20; Tahoe, 25; Union, 100; Warm Springs, 15.
Kern—Kernville, 25; Scodie, 30; South Fork, 50; Walker's Basin, 65; Weldon, 100; Agua Caliente, 60; Summit, 75; Tejon, 75.
Kings—Mussell Slough, 75 (own 80 acres).
Lake—Ashland, 10; Bachelor Valley, 10; Big Valley, 15; Clover Creek, 15; Fairview, 20 (eviction threatened); Kelseyville, 65 (live on land owned by St. Turbibus Mission); Lakeport, 20; Lake Shore, 20; Leconomi, 30; Lower Lake, 20; Upper Lake, 160 (own 160 acres); Middletown, 15; Scott's Valley, 35; Sulphur Bank, 35 (eviction proceedings have been begun); Spring Branch, 15; Gravelly Valley, 40.

Lassen—Ash Valley, 50; Bleber, 25; Cedar Run, 35; Center, 10; Cove, 20; Dry Valley, 10; Hayden Hill, 50; Jefferson, 5; Johnstonville, 15; Juniper, 15; Madeline, 65; Missouri Bend, 10; Pine Grove, 25; Pitt River, 90; Richmond, 15; Riverside, 15; Amadee, 15; Honey Lake, 20; Janesville, 35; Lake, 10; Little Valley, 10; Long Valley, 45; Milford, 10; Secret Valley, 10; Soldier Bridge, 10; Susanville, 100; Willow Creek, 10; Washington, 5.
Madera—Bailey Flat, 30; Cleveland, 50; Coarse Gold, 10; Crane Valley, 25; Flume, 40; Fresno Flat, 20; Gertrude, 30; Hawkins, 35; Iron Mountain, 10; San Joaquin, 100; Spring Valley, 5; Waterloo, 50.
Marin—Census shows 25, now mostly citizens.

Mariposa—Bear Valley, 35; Kinsley, 35; Chowchilla, 20; Coulterville, 30; Mariposa, 50; Merced Falls, 20 (part of this band is in Merced County); Yosemite, 30; Hornitos, 20.
Mendocino—Blue Rock, 5; Cahto, 25; Laytonville, 30; Usal, 10; Piercy, 20; Bear Harbor, 3; Twin Rock, 5; Sherwood, 15; Westport, 50; Inglenook, 6; Fort Bragg, 30; Eel River, 5; Summit Valley, 5; Williams Valley, 6; Willits, 4; Carroll, 80 (own 200 acres); Caspar, 12; Coyote Valley, 55 (own 5 acres); Ukiah (Pinole), 200 (own 165 acres); Little River, 25; Mill Creek, 90; Gualala, 3; Potter Valley, 65 (own 14 acres); Redwood Valley, 15; Willow Creek, 12; Yorkville, 25 (own 50 acres); Hopland, 80 (have been ordered to leave); Manchester, 72 (on land owned by Northern California Indian Association).
Merced—Merced Falls, 35 (remainder of band in Mariposa County).
Mono—Antelope, 150; Benton, 90; Bodie, 65; Bridgeport, 65; Farlington, 70; Mono Lake, 20.

Monterey—Arroyo Seco, 5; Bird Haven, 45; Milpitas, 45; Pacific, 15.
Modoc—Cedarville, 60; Eagleville, 115; Mount Bidwell, 65; Aidin, 45; Alturas, 155; Arlington, 20; Butte, 20; Delmorma, 20; Hopewell, 10; Likely, 60; Little Hot Spring, 30; Modoc, 10; South Fork, 50; Soldier Creek, 15; Widow Valley, 50; South Davis Creek, 10.
Napa—Jefferson, 20.

Nevada—Allison Ranch, 5; Chicago Park, 5; Indian Flat, 10; Mariposa, 10; Overton, 10; Pleasant Valley, 10.
Placer—Auburn, 25; Colfax, 35; Todds Valley, 35.
Plumas—Big Meadows, 85; Crescent Mills, 20; Genesee, 55; Greenville, 65; Lassen Butte, 60; Lincoln, 45; Meadow View, 85; Nelson Point, 15; North Fork, 15; Pioneer, 10; Quincy, 20; Rich Bar, 25; Taylorsville, 50; Union, 55; Seneca, 40.

Sacramento—Arcade, 35; Arno, 20; Davis, 25; Granite, 30; Wilson, 15; Galt, 12.
San Benito—San Juan, 40 (some have land).
San Joaquin—Clement, 8.
San Luis Obispo—East Santa Fe, 25; Fairview, 20; Los Berros, 25; Oakdale, 5; Polar Star, 5.
San Mateo—Redwood City, 35; San Mateo, 30.

Sierra—Alta, 10; Long Valley, 20; Mount Pleasant, 10.
Santa Cruz—Santa Cruz, 40; Watsonville, 30.
Shasta—Bald Hills, 30; Churntown, 50; Delta, 35; Excelsior, 20; French Gulch, 5; Harrison Gulch, 10; Indian Springs, 30; Kennet, 15; Lincoln, 35; Lone Tree, 5; Oak Knoll, 20; Ono, 30; Union, 5; Watson Gulch, 40; Winthrop, 30; Bear Creek, 15; Cedar Creek, 25; Mistletoe, 5; Redding, 20; Smithson, 70; Silverthorn, 15; Benton, 20; Rockland, 15; Turner, 10; Albion, 105; Bass, 20; Beaver Creek, 35; Cayton Valley, 5; Copper City, 20; Cove, 40; Elena, 75; Fall River Mills, 90; Fort Crook, 5; Hat Creek, 20; Bunker Hill, 35; Island, 45; Mount Burney, 15; Montgomery Creek, 45; Pitt River, 40.

Solano—Benicia, 5; Vacaville, 20.
Sonoma—Bodega Bay, 23; Canfield, 10; Cloverdale, 35; Occidental, 5; Stewarts Point, 75; Dirigo, 90; Asti, 10; Markham, 4; Dry Creek, 30; Watson, 5; Llano, 10; Lytton, 35; Piner, 10; Olivet, 20; Sebastopol, 10; Healdsburg, 10; Fulton, 7; El Verano, 35.
Siskiyou—Forks of Salmon, 10; Happy Camp, 50; Junction, 250; Lowden, 30; Rollin, 20; Etna, 65; Fort Jones, 10; Greenhorn, 15; Highland, 15; Klamath, 5; Klamath City, 5; Meamber, 60; Greenville, 20; Cleveland, 25; Lake View, 15; Lava Bed, 15; Sunnyside, 40; Berryvale, 20; Dunsuir, 15; Pebble, 15; McCloud, 15.

Stanislaus—Buena Vista, 40; Tilden, 5.
Sutter—Meridian, 15; Winship, 10.
Tehama—Dry Creek, 50; Elkins, 45; Farquhar, 5; Junction, 25; Jellys Ferry, 20; Macon Springs, 5; Pine Grove, 5; Tehama, 15.
Trinity—Weaverville, 250 (no complete reports).
Tulare—Ash Springs, 5; Drum Valley, 5; Eshom Valley, 30; Long Valley, 20; Gordon, 5; Lime, 35; Pixley, 15; Porterville, 5; Vandalia, 20.

Tuolumne—Bellevue, 15; Deer Flat, 5; Groveland, 20; Quartz Mountain, 35; Sonora, 45; Sugar Pine, 50; Little Garrote, 60.
Yolo—Rumsey, 25; Cache Creek, 35.
Yuba—Challenge Mills, 10; Clark, 10; Long Bar, 25; Oregon House, 20; Strawberry Valley, 15.

Total number Indians, 13,733.
Number of settlements, 418.

[Second memorial from the Northern California Indian Association.]
To the honorable the Congress of the United States:
The undersigned, the Northern California Indian Association, hereby respectfully renews its petition of last session and prays your honorable body for the relief of the landless Indians in northern California.

The petitioner is a body corporate under the laws of the State of California, having its principal place of business in the city of San Jose, Cal., and is organized for "benevolent, charitable, and missionary purposes for the benefit of the Indians of California, among which purposes are the following:

"To aid the Government and the people of the United States in preventing all oppression of Indians, and securing to each and every Indian the same rights, protection, and privileges under the laws, whether national or State, as are secured to all citizens and inhabitants of the United States of whatever race or color.

"To engage in and aid in educational, missionary, and other work among the Indians of California, for their benefit and advancement, in the same manner, as far as may be, as that pursued by the National Indian Association of the United States."

During the last ten years the petitioner has had occasion to investigate carefully the conditions surrounding the Northern California Indians and the causes of their present state.

We find it to be a fact that elsewhere than in California it has been the universal practice of the Government of the United States to recognize the Indian right of occupancy of the lands claimed by the various tribes, and everywhere but in California this right has been extinguished only by payment therefor. In the greater part of the State of California the Indian right of occupancy has been canceled and the Indians have never received a single dollar for their rights in more than 100,000 square miles of territory.

In the early days of American occupation, commissioners were sent out from Washington to make treaties with the Indians of California, and treaties were actually negotiated with some eighty or ninety bands. These treaties contained the provisions usual to such treaties of the time, but none of them were ratified by the United States Senate, and so, in the governmental view, never became operative. Nevertheless, although the Government has never recognized these treaties as binding upon itself, it has appropriated every advantage conferred by the treaties, without in any manner carrying out its part of the agreement or paying any of the things agreed to be paid. The Government has not only seized the Indian lands which it agreed to purchase in the treaties, but the Indian reservations also, and has sold the same to settlers.

The two or three tribes who resisted the occupation of their lands by whites received reservations, which are now either allotted or in process of being allotted. These Indians number about 1,700. The great body of northern California Indians who were faithful to their treaty obligations, notwithstanding the bad faith of the Government, have received nothing, not even school privileges for their children or the equal protection of the law. The Indians now number, as nearly as this petitioner is able to estimate, between thirteen and fourteen thousand.

The Indians last mentioned have surrendered their right of occupancy to the United States upon the promise of the Government to pay a stated consideration, and the consideration has not been paid. The Government is in the position of one who has bought real estate and relies upon the invalidity of his own act to escape paying the agreed price. It seems clear to us that the Government can not honestly retain both the land and the price.

The results of the failure of these treaties have been disastrous to the Indians of northern California. They secured the greater part of their living from the soil, and with the loss of their land, which has come sooner or later, their means of securing a livelihood is at an end, and they have been plunged into the extreme of destitution and misery. The vices and diseases imported with civilization have been fatal to the majority, and the mortality has been so great that it is estimated that their number to-day is not more than 12 or 15 per cent of their number sixty years ago. With the loss of their lands the Indians have become squatters and tenants upon sufferance, and have been the victims of a constantly increasing series of evictions, as the white population has increased and the pressure for land has grown greater. The uncertain tenure and enforced removals has largely prevented missionary and school work among them, while race prejudice has for the most part debarred their children from the public schools. Their position has year by year been growing more desperate, and the misery to which some of the bands have been reduced is now extreme.

Of the 13,500 nonreservation Indians north of Tehachapi, about 2,500 are scattered in small bands of from one to four families. The great body of them, numbering about 11,000, are isolated in small settlements of from 20 to 150 souls, averaging about 50. In these petty communities the conditions are worse than upon any American reservation, for they are open to all the vicious and demoralizing features of civilization and cut off wholly from schools, missions, or anything that makes for good, and the Indians living in them are often without protection as to person or property and are liable to eviction at any moment.

The few Indians who have lands are in far better condition. Most of them have received or are in process of receiving their allotments in severalty, and have had educational and missionary instruction for many years past. The present unfortunate condition of the nonreservation Indians of northern California is largely and perhaps wholly owing to their landless condition. And this landless condition results from the seizure of their lands by the Government of the United States without payment therefor. We therefore earnestly petition and pray that lands be granted to the landless Indians of northern California in partial payment, at least, of their just claim against the nation. We should deprecate the payment of money or goods or household or farming utensils as demoralizing in the extreme. We consider that reservations would be disastrous to the Indians, and would put them back fifty years in their advance toward civilization.

It is our belief that individual allotments in severalty under the terms of the general allotment acts and with accompanying citizenship can safely be given to these Indians and will for the most part settle the problem here. As most Indians are unable to use large farms properly, small tracts of a few acres to each family is all that is required.

We are fully aware that there is a provision in the statutes by which Indians are entitled to select allotments from the public domain. From the passage of this act to April 1, 1904, 2,021 such allotments have been made in northern California, of which 148 have been canceled, leaving 1,873 now outstanding. The Indians provided for by these 1,873 allotments number about 2,800.

Less than 1,000 are provided for by ownership of lands by themselves or by others, leaving about 10,000 Indians who are landless and homeless and subject to eviction any day. More than 1,600 of the 1,873 allotments are in the counties of Plumas, Lassen, Modoc, Siskiyou, and Shasta, where the white population is not as yet very dense.

This petitioner has also made extensive inquiries as to the land available for settlement by these Indians. We find that there is very little land of the class called in California "agricultural land" available for entry; that the grazing lands are not well suited for the purpose and are largely in the possession of cattlemen; that only steep canyon sides, tops of ridges, barren peaks, and deserts remain in the hands of the Government.

The allotments already made are chiefly of this character. And so barren and sterile are they that more than two-thirds of the Indians receiving allotments are compelled to reside away from their allotments in order to live.

The great body of landless Indians live in places remote from Government lands. Very little of the vacant land is capable of furnishing a living to anyone. To place these Indians upon such lands would mean wholesale starvation. The Indians are intensely attached to the localities where they have lived for generations and refuse to live elsewhere. They also have the acquaintanceship and means for making their own living, such as it is, where they now are, and if they are granted lands in the neighborhoods where they now live they will be no further expense to the United States; whereas if they be sent to any of the Government land now remaining they will be a source of expense for years to come.

We therefore recommend and petition that our landless Indians be given small tracts of land in severalty where they now reside; that their own lands be given them wherever possible, and that a sufficient sum be appropriated to purchase these tracts wherever there is no Government land available. The amount required for this purpose is far less than will be required to relieve their necessities after they

are evicted from their present homes, and will be but a very small portion of the sums which the Government has already received from the sale of the Indian lands. We do not ask this tardy justice for the Indians of northern California because they are hungry or poverty stricken or degraded—and some of them are all these—but because their present miserable condition directly results from the act of the Government of the United States.

The nonreservation Indians of northern California are morally, and we believe legally, entitled to redress from the National Government; and we venture to suggest a form of relief that will not injure its beneficiaries. A further form of relief is the establishment of schools for the Indian children. The Government has established and is now supporting six day schools and two training schools, whose pupils are nearly all from these nonreservation Indians. These Government schools have an enrollment of about 350. There are enrolled in the missionary and public schools about 300 more. A few school districts admit Indian children, but in the vast majority of districts racial prejudice debars those of Indian blood. We hope that in a generation or two this prejudice will pass away. In the meantime, fully 2,000 Indian children of school age are growing up without any instruction of any kind.

The nonreservation Indians of Northern California are further subject to certain legal disabilities. As these Indians did not become citizens under the treaty of Guadalupe Hidalgo, and as there has since been no legislation making them citizens, the State of California has regarded them as subject to the protection of the National Government the same as other Indians, while since the failure of the treaties the General Government has repudiated all responsibility for them as wards of the United States. This has left these nonreservation Indians without any recognized legal status, a fact which has, in those parts of California where racial prejudice against Indians is still strong, subjected them to much oppression and abuse.

THE NORTHERN CALIFORNIA INDIAN ASSOCIATION,
Mrs. T. C. EDWARDS, President.
C. E. KELSEY, Secretary.

The SPEAKER. The motion, as the Chair understands it, was to suspend the rules and pass the bill as amended. The amendment accompanies the bill. For greater security the Chair will direct the Clerk to report the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That all lands relinquished from the Round Valley Indian Reservation, in the State of California, under an act entitled "An act to provide for the reduction of the Round Valley Indian Reservation, in the State of California, and for other purposes," approved October 1, 1890, which have not heretofore been disposed of, shall be surveyed in accordance with the Government surveys and shall also be reappraised exclusive of improvements by a commission of three disinterested persons to be appointed by the President, or by a trusted inspector or special agent of the Department of the Interior, as the President in his discretion may direct. The said lands when surveyed and appraised shall be subject to settlement and entry under the provisions of the homestead laws of the United States; and all actual and bona fide settlers upon said lands on January 1, 1904, shall have a preference right to enter and hold the lands actually occupied by them, respectively, not exceeding 160 acres, and they shall be credited with the time they have actually occupied the same on the time required by law to perfect title as homestead settlers. Each entryman of any of said lands shall pay for the same at the appraised price, payments to be made in five equal annual payments, with interest on all deferred payments at the rate of 5 per cent per annum: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law when the price of the land is \$1.25 per acre: *And provided further*, That aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before proving up and acquiring title must take out their full naturalization papers: *And provided further*, That all lands opened to settlement under this act remaining undisposed of at the expiration of five years from the taking effect of this act may be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior.

Sec. 2. That the funds arising from the sale of said lands shall be disposed of as provided in section 4 of the act of October 1, 1890, providing for the disposal of the Round Valley Indian Reservation.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and in the opinion of the Chair, two-thirds having voted to suspend the rules, the bill was passed.

THE AMERICAN RED CROSS.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 5704.

The SPEAKER. The gentleman is entitled to recognition, as the gentleman understands, to move to suspend the rules, but he asks unanimous consent. Perhaps it will take less time, and there is no objection. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5704) to incorporate the American National Red Cross.

Whereas on the 22d of August, 1864, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurttemberg, and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of ameliorating the condition of soldiers wounded on the field of battle, and particularly providing, among other things, in effect, that persons employed in hospitals and in according relief to the sick and wounded and supplies for this purpose shall be deemed neutral and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances and convoys of sick and wounded and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of forty-three or more, including the United States of America; and

Whereas the International Conference of Geneva of 1863 recom-

mended "that there exist in every country a committee whose mission consists in cooperating in times of war with the hospital service of the armies by all means in its power;" and

Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaty, and especially to secure supplies and to execute the humane objects contemplated by said treaty, with the power to adopt and use the distinctive flag and arm badge specified by said treaty in article 7, on which shall be the sign of the Red Cross, for the purpose of cooperating with the "Comité International de Secours aux Militaires Blessés" (International Committee of Relief for the Wounded in War); and

Whereas in accordance with the requirements and customs of said international body such an association adopting and using said insignia was formed in the city of Washington, D. C., in July, 1881, known as "The American National Association of the Red Cross," reincorporated April 17, 1893, under the laws of the District of Columbia, and reincorporated by act of Congress in June, 1900; and

Whereas it is believed that the importance of the work demands a repeal of the present charter and a reincorporation of the society under Government supervision: Now, therefore,

Be it enacted, etc., That Clara Barton, Hilary A. Herbert, Thomas F. Walsh, Charles C. Glover, Charles J. Bell, Mabel T. Boardman, George Dewey, William R. Day, Nelson A. Miles, James Tanner, William K. Van Reypen, John M. Wilson, Simon Wolf, James R. Garfield, Gifford Pinchot, S. W. Woodward, Mary A. Logan, Walter Wyman, of Washington, D. C.; George H. Shields, of Missouri; William H. Taft, F. B. Loomis, Samuel Mather, of Ohio; Spencer Trask, Robert C. Ogden, Cleveland H. Dodge, George C. Boldt, William T. Wardwell, John G. Carlisle, George B. McClellan, Elizabeth Mills Reid, Margaret Carnegie, of New York; John H. Converse, Alexander Mackay-Smith, J. Wilkes O'Neill, H. Kirke Porter, of Pennsylvania; Richard Olney, W. Murray Crane, Henry L. Higginson, William Draper, Frederick H. Gillett, of Massachusetts; Marshall Field, Robert T. Lincoln, Lambert Tree, of Illinois; A. G. Kaufman, of South Carolina; Alexander W. Terrell, of Texas; George Gray, of Delaware; Redfield Proctor, of Vermont; John W. Foster, Noble C. Butler, Robert W. Miers, of Indiana; John Sharp Williams, of Mississippi; William Alden Smith, of Michigan; Horace Davis, W. W. Morrow, of California; Daniel C. Gillman, Eugene Lovering, of Maryland; J. Taylor Ellison, of Virginia; Daniel R. Noyes, of Minnesota; Emanuel Fiske, Marshall Fiske, of Connecticut, together with five other persons to be named by the President of the United States, one to be chosen from each of the Departments of State, War, Navy, Treasury, and Justice, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

Sec. 2. That the name of this corporation shall be "The American National Red Cross," and by that time shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be deemed advisable and to accept bequests for the purposes of this corporation hereinafter set forth; to adopt a seal and the same to alter and destroy at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August 22, 1864, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this act and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article 7 of the treaty, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

Sec. 3. That the purposes of this corporation are and shall be—
First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, 1863, and also of the treaty of the Red Cross, or the treaty of Geneva, of August 22, 1864, to which the United States of America gave its adhesion on March 1, 1882.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly incorporated by act of Congress June 6, 1900, which act is hereby repealed and the organization created thereby is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies of other governments through the "Comité International de Secours" and the Government and the people and the Army and Navy of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same.

Sec. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or an agent for, the American National Red Cross, for the purpose of soliciting, collecting, or receiving money or material; or, for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of, or an agent for, the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross.

Sec. 5. That the governing body of the said American National Red Cross shall consist, in the first instance, of a central committee numbering eighteen persons, to be appointed in the manner following,

namely: Six by the incorporators herein named and twelve by the President of the United States, one of whom shall be designated by the President to act as chairman. It shall be the duty of the central committee to organize with as little delay as possible State and Territorial societies, including the District of Columbia, under such rules as the said committee may prescribe. When six or more State or Territorial societies have been formed, thereafter the central committee shall be composed as follows: Six to be appointed by the incorporators, six by the representatives of the State and Territorial societies at the annual meeting of the incorporators and societies, and six by the President of the United States, one of whom shall be designated by him as chairman and one each to be named by him from the Departments of State, War, Navy, Treasury, and Justice.

The first six members of the central committee elected by the incorporators at the first annual meeting, and the first six members of the central committee elected by the State and Territorial delegates, shall when elected select by lot from their number two members to serve one year, two members to serve two years, and two members to serve three years, and each subsequent election of members shall be for a period of three years or until their successors are duly elected and qualify. The six members of the central committee appointed by the President at the annual meeting shall serve for one year.

The President shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the chairmanship or in the membership of the central committee appointed by him. And any vacancy that may occur in the six members of the central committee herein provided to be appointed by the incorporators or in the six to be appointed by the representatives of the State societies shall be filled by temporary appointments to be made by the remaining members of the six in which the vacancy or vacancies may occur, such appointees to serve until the next annual meeting.

The central committee shall have power to appoint from its own members an executive committee of seven persons, five of whom shall be a quorum, who, when the central committee is not in session, shall have and exercise all the powers of the central committee.

The Secretary of War shall within thirty days after the passage of this act call a meeting at a time and place to be designated by him in the city of Washington of the incorporators hereunder, giving at least thirty days' notice thereof in one or more newspapers, and the annual meeting of said incorporators, their associates and successors, shall thereafter be held in said city on the first Tuesday after the first Monday in December, the first of said meetings to be held in December, 1905. Fifteen members shall constitute a quorum at any annual or special meeting.

Voting by proxy shall not be allowed at any meeting of the incorporators, annual or special, nor at any meeting of State or Territorial societies organized under the provisions of this charter.

Sec. 6. That the said American National Red Cross shall on the 1st day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department.

Sec. 7. That Congress shall have the right to repeal, alter, or amend this act at any time.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I demand a second upon the bill, with a view of hearing an explanation.

The SPEAKER. By action of the Committee on Foreign Affairs, the gentleman from Ohio moves to suspend the rules and pass the bill which has just been reported. The gentleman from Mississippi demands a second. Is there objection to considering a second as ordered?

Mr. WILLIAMS of Mississippi. Mr. Speaker, before that request is put to the House, does this bill carry any appropriation of any sort?

Mr. LONGWORTH. It does not.

Mr. WILLIAMS of Mississippi. Nobody named in the bill receives a salary or remuneration whatever?

Mr. LONGWORTH. None whatever. I will ask, Mr. Speaker, that the report of the committee be read as an explanation.

Mr. UNDERWOOD. Mr. Speaker, before submitting that request, I would like to ask the gentleman a question. I think the bill is an excellent one, one that is most meritorious, and I think there is one paragraph in it that is dangerous, and I would like to ask the gentleman what committee reported this bill.

Mr. LONGWORTH. The Committee on Foreign Affairs.

Mr. UNDERWOOD. I would like to ask the gentleman whether they looked into and considered the paragraph in this bill that provides that no person using the sign of the red cross now in their business as an advertisement or otherwise shall be allowed to do it hereafter, under pains and penalties provided in the bill. Now, I would like to ask as to whether that is liable to bring back on the Government a claim for reimbursement for driving people out of business or taking away their rights which already attach to these trade-marks. I think otherwise the bill is without objection and a most meritorious one, one that should be passed in this House; but I do think that clause seems objectionable, and I ask the gentleman when he moves to suspend the rules if he will not by unanimous consent allow the House to discuss the question and let us hear from him in regard to this particular paragraph.

The SPEAKER. There will be twenty minutes on a side for discussion if a second is ordered.

Mr. MANN. I think you are wrong about what that provision is.

Mr. WILLIAMS of Mississippi. I ask that that provision be read that has been referred to by the gentleman from Alabama.

The SPEAKER. Without objection, the Clerk will report section 4 of the bill.

The Clerk read as follows:

SEC. 4. That from and after the passage of this act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or an agent for, the American National Red Cross, for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of, or an agent, for, the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross.

Mr. BAKER. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. One moment.

Mr. UNDERWOOD. I see the bill provides that it shall apply to people who are not now entitled by right to use it. I presume by that the people who now are using the sign, label, or trade-mark or otherwise would not hereafter be prevented from using it, and I wanted to know whether the committee looked into that or not.

Mr. LONGWORTH. In reply to the gentleman from Alabama I will say that this specific point was not discussed in the Committee on Foreign Affairs, but this bill passed the Senate unanimously after, I understand, a very careful consideration. It was given very careful consideration in the subcommittee of the Committee on Foreign Affairs of the House, but I do not remember that that particular point was touched upon.

Mr. UNDERWOOD. Well, unquestionably the bill is a meritorious one and should be passed and the only objection I had was that I did not want to see the Government put in the attitude where somebody might come here demanding damages from the Government or to be recouped for our passing a law giving to a private corporation certain rights and which took away other rights; but I am rather inclined to think from hearing the paragraph read the second time that that is protected.

Mr. BAKER. Mr. Speaker, I would like to ask the gentleman a question and my question is directed at the very matter the gentleman from Alabama wanted to get light upon. In Brooklyn, where I live, I have noticed lately that some druggists have put signs in their windows; the window itself has been made a sign. A glass window has been inserted in there with the sign of the Red Cross advertising their specialties.

Now, then, I understand the purpose of this clause, or the effect of it would be, that that man can continue that form of advertising, but anyone who up to the present time had not adopted that method would be debarred from doing it in the future.

Mr. LONGWORTH. Well, in reply to the gentleman, I would state that those persons are not now legally entitled to the use of the sign of the Red Cross.

Mr. BAKER. You say that they are not entitled to the use of the sign of the Red Cross?

Mr. LONGWORTH. This provision provides that only those now lawfully entitled to use the sign shall do so.

Mr. BAKER. Does the gentleman say that these druggists shall have no right to continue the use of such signs?

Mr. LONGWORTH. I am not aware of the druggists to whom the gentleman refers. I do not know.

Mr. WILLIAMS of Mississippi. I will say to the gentleman from New York that it is only directed against those that are not now legally entitled to use the sign. Now they are legally entitled to the use of it, simply for the reason that they have never been prohibited by law from its use.

Mr. FITZGERALD. If the gentleman will permit me, I see that subsection 3 of section 3 provides for the repeal of the act under which the existing society is organized. I will ask the gentleman whether there is in that act any provision which gives exclusive right to the use of this Red Cross symbol to the Red Cross incorporation?

Mr. LONGWORTH. I am not familiar with all the provisions of the present act of incorporation. That is the act of 1900.

Mr. FITZGERALD. Can the gentleman give some explanation of the reason for the disbanding provision of the bill as to the existing corporation?

Mr. LONGWORTH. Well, in reply to the gentleman, I will say that there are many good reasons, as I understand it, for a

reorganization of the society. I might say that one reason is that the records have been kept so loosely that nobody knows who are and who are not at present members of the Red Cross Society. One of the objects of this bill is to so provide on its face that there can be no doubt who are the original incorporators.

The SPEAKER. Is there objection to considering a second as ordered? [After a pause.] The Chair hears none, and the gentleman from Ohio is recognized. If no one desires to use the time—

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman in charge of the bill a question or two. I would like to ask whether the committee considered the power of the National Government to incorporate a society of this kind, and whether they also considered just what the corporation's powers are in respect to these State and Territorial subcorporations, if I may use that phrase? The language of the bill seems to be very general. There is no designated domicile of the corporation. It does not state whether it is a citizen of the District of Columbia, or of what community. It gives no idea as to how these subcorporations are to be organized and what rights they are to have, whether they are to be citizens of the State in which they are organized and subject to such State's law, or simply subject to the National Government. It seems that the bill has ignored many legal features entirely.

Mr. LONGWORTH. I do not think the gentleman is right in believing this bill provides for any subcorporation or that it does not specifically provide that the headquarters of the society shall be in Washington.

Mr. SHERLEY. It does provide that the headquarters shall be in Washington, but there is nothing that states that the corporation shall be a citizen of the District of Columbia. I presume that is implied. Then I wanted to know what the relations of these subcorporations, as I have called them, are to the head corporation, whether they are separate societies, whether they are to be societies under the control of and to report to the central society and to be governed by it and its representatives, or are they to be corporations of the States in which they exist?

Mr. LONGWORTH. We could not, by anything incorporated in this bill, create associations of the different States.

Mr. SHERLEY. I readily understand that; but here is an attempt to create certain subsocieties, and I simply wanted to call the attention of the gentleman to the very loose phraseology. I do not think any lawyer from the reading of this bill could tell what the rights of these corporations were.

Mr. LONGWORTH. I will say to the gentleman that my understanding is that a number of these State corporations at present exist, and the only authorization in this bill is that the central committee shall see to the organization of these other eight associations, which, after they have organized to the number of six or more, shall be entitled to one-third representation upon the governing committee.

Mr. SHERLEY. You consider that this national society can be given control by this act of the State societies?

Mr. LONGWORTH. I do not think they can be given control.

Mr. SHERLEY. Then for what purpose was it put in there that they shall organize other societies?

Mr. LONGWORTH. The purpose is to diffuse the different branches of the society and make them cover as much territory as possible.

Mr. SHERLEY. The gentleman will understand that I am not trying to oppose in any way the purpose the committee has in view, but it seems to me that this bill, as drawn, has disregarded a great many important legal questions as to the rights that this corporation will have.

Mr. PAYNE. May I call the attention of the gentleman from Kentucky [Mr. SHERLEY] to section 5, which is simply to provide for societies, not for corporations, except for the central corporation in the District of Columbia? It provides for a society, not an incorporation, and by any language that I can see in the bill it does not assume to incorporate.

Mr. SHERLEY. Neither does it assume to state what the rights of those societies are to be or to define the rights of the national society at all—that is, the legal rights of it. I have just read the bill hurriedly, but I believe that if the gentleman will read it also he will find there are no provisions establishing the legal status of this society other than giving it a name, providing for the holding of meetings, and a few other matters.

Mr. PAYNE. It seems that when they get incorporation they are to have a governing or central body composed of six to be appointed by the corporation here, six by the representative State or Territorial societies at the annual meeting of the incorporators or societies, and six by the President of the United States, one of whom shall be designated by him as chairman, and one each to be named by him from the Department of State,

War, Navy, Treasury, and Justice. And it provides, as I understand it, for their duties. I happen to know that this bill has been drawn with a good deal of care and by the friends of the Red Cross pretty generally. Some eminent lawyers have been engaged in looking it over and putting it into shape, and perhaps that is the reason it is open to criticism by my friend from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. I do not wish to reflect upon the legal ability of anybody having the bill in charge; but it seems to me it is very loose in regard to those things. I do not know of any national law that regulates corporations other than a District law in regard to the powers of District corporations. Of course in relation to national banks there is a law. Most of the States have very specific provisions which make unnecessary the setting forth of these details in an act incorporating a company, but it seems to me this bill should specify the powers and rights of this corporation.

There has been a great deal of trouble in the past in regard to the management of the funds of the Red Cross Society. It is going to handle a great deal of money. It does business all over the world, and it seems to me that to bring this bill here in its present shape and ask the House to pass it under a suspension of its rules is to take a great deal for granted. Personally I do not wish to take the responsibility of holding it up.

Mr. PAYNE. I do not see that any power is given over these funds except to the corporation which is to exist here in the city of Washington. The societies do not appear to have any control over them. They sit down and look wise.

Mr. SHERLEY. I do not know whether they do or not.

Mr. PAYNE. The real power is in the incorporators, and I see that a number of gentlemen who are Members of this House are named as such. One is the gentleman from Mississippi [Mr. WILLIAMS]. The control of the funds is in the hands of this corporation, and I have no doubt that they will be well cared for, at least as long as the present incorporators live and can attend to business.

The SPEAKER. Will the gentleman from Kentucky allow the Chair to make a suggestion in his capacity as an individual Member of the House? The Chair did not hear fully what the gentleman from New York said, but in section 5 of the bill is a provision for certain machinery in the respective States, not incorporated, to select people who shall become members of the society created by the corporation.

Mr. SHERLEY. Mr. Speaker, I am inclined to agree with that view; but the point to which I desire to call the attention of the House is this: Not only is there very loose phraseology in regard to these subsocieties, but there are no provisions here defining the powers of this corporation. Its power to contract debts, many of the things connected with the incorporation of a company that are usually put either in the articles of incorporation or are supplied by the general law of the State, are ignored in this bill, so that you have here practically nothing but a skeleton corporation. Now, it may be the desire of the House to create just that sort of a society, but it strikes me as very incomplete legislation.

Mr. LONGWORTH. I will say to the gentleman from Kentucky that my information is that this bill was drawn by Hon. Richard Olney, of Massachusetts, and ex-Secretary of State John W. Foster.

Mr. SHERLEY. I desire to answer the gentleman by saying that I think it is unfair to respond to an inquiry of that kind by simply throwing it back upon two very distinguished lawyers. They, no doubt, know infinitely more than I do about the matter, but that does not answer my inquiry about why these things are not provided for in the bill. It is no answer to say that these lawyers drew the bill. We have to take the responsibility of passing it.

Mr. BONYNGE. Mr. Speaker, will the gentleman from Ohio yield for a question?

Mr. LONGWORTH. Yes.

Mr. BONYNGE. I desire to call the attention of the gentleman from Ohio to the language of section 4, commencing in line 17, page 6:

Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever.

The language that I have read would seem to include all trade, whether within the borders of a State or whether it is interstate commerce, and trade between the different States. Did the committee consider whether or not Congress would have any power to prohibit the use of the sign in commerce purely within the borders of a State?

Mr. LONGWORTH. The gentleman evidently was not in the Hall at the time that that exact point was brought up.

Mr. BONYNGE. I was; but I do not think that particular question was asked of the gentleman from Ohio. The gentleman from New York suggests that we can regulate the use of a trade-mark. In the Committee on Patents we have been engaged in framing a law for the revision of trade-marks, which has brought this matter to my attention.

The act of 1870, regulating the use of trade-marks, did, according to its provisions, cover all trade, whether interstate commerce or trade within a State; and by the decision of the Supreme Court of the United States, in 100 U. S., the law was held to be unconstitutional, for the reason that it did apply to commerce purely within the borders of a State, and was not done under the section of the Constitution which gave us power to regulate interstate commerce. For that reason I think the language of this section would be unconstitutional, and not within the power of Congress to pass, provided the language could be held, as I think it clearly can be held, to apply to all trade, whether interstate commerce or not.

Mr. LONGWORTH. I do not think that any language in this bill could be construed to interfere with any lawful right now existing.

Mr. Speaker, unless some gentleman desires to address the House in opposition, I will reserve the balance of my time.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 15590. An act to amend an act approved April 26, 1904, entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the Tennessee River near Chattanooga, Tenn., and for other purposes;"

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 14623. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 89.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and estimate submitted of the cost of improving the harbor of Blaine, Wash., to meet the demands of commerce.

Senate concurrent resolution 85.

Resolved by the Senate (the House of Representatives concurring), That a joint committee, consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next; and

Ordered, That Mr. SPOONER, Mr. ALDRICH, and Mr. BACON be the committee on the part of the Senate.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 89:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause an examination and survey to be made and estimate submitted of the cost of improving the harbor of Blaine, Washington, to meet the demands of commerce—

to the Committee on Rivers and Harbors.

YOSEMITE NATIONAL PARK, CALIFORNIA.

Mr. GILLET of California. Mr. Speaker, I move that the Committee on the Public Lands be discharged from the further consideration of the bill (S. 5567) to exclude from the Yosemite National Park, California, certain lands therein described and to attach to and include the said lands in the Sierra Forest Reserve, and that the rules be suspended and the bill do pass, an identical House bill, No. 15191, having been reported favor-

ably by the Committee on the Public Lands, and being now on the House Calendar.

The SPEAKER. The gentleman from California [Mr. GILLET], by direction of the Committee on the Public Lands, moves to discharge that committee from the further consideration of a bill which will be reported by the Clerk, and he moves to suspend the rules and pass the bill.

The bill was read, as follows:

Be it enacted, etc., That all that part of the Yosemite National Park, of California, described as follows: All that portion of township 2 south, range 19 east, and all the west half of township 2 south, range 20 east, which is situated within the limits of Mariposa County, Cal.; all of township 3 south, range 19 east, and the west half of township 3 south, range 20 east; all of township 4 south, range 19 east, and the west half of township 4 south, range 20 east; all of Mount Diablo base and meridian in Mariposa County, Cal., except the northeast quarter of section 23, township 2 south, range 19 east, on which is located the Merced grove of big trees, which tract shall be and remain a part of the Yosemite National Park and subject to all the provisions of the act of October 1, 1890, be, and the same is hereby, excluded from said Yosemite National Park, and is hereby included in and made a part of the Sierra Forest Reserve: *Provided, however,* That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the lands herein segregated from the Yosemite National Park accorded under the act of February 15, 1901, relating to rights of way through certain parks, reservations, and other public lands, and other acts concerning rights of way over public lands, to which this is supplementary, and the moneys so received from the privileges accorded on the lands herein segregated from the Yosemite National Park shall be paid into the Treasury of the United States to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the Yosemite National Park.

SEC. 2. That none of the lands patented and in private ownership in said above-described area shall have the privileges of the lien land-scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this act from the Yosemite National Park, except as herein otherwise provided.

SEC. 3. That this act shall take effect and be in force from and after its passage.

The SPEAKER. Is a second demanded?

Mr. PAYNE. I ask for a second, Mr. Speaker.

Mr. GILLET of California. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GILLET of California. Does the gentleman from New York desire an explanation of the bill?

Mr. PAYNE. I do desire a brief explanation.

Mr. GILLET of California. I will say that when the Yosemite National Park was established arbitrary lines were run and a great deal of territory was taken in not of any value for scenic purposes. In the northwest corner of the park, in Mariposa County, is a large tract of land lying in the foothills, and there are about 60,000 acres of patented land included therein and a great many mines.

Under the rules and regulations governing the park the people can not improve this land; they can not construct sawmills to cut timber; they can not operate and work their mines; they can not develop the water power, and this is to enable them to develop the business enterprises and industries of that county. This bill is intended to take it out of the national park and put it into the forest reserve. It has been subject to the rules and regulations controlling the government of reservations. Most of the people living there own all of this land, and this part to be taken out is patented land, and this bill is to give them an opportunity to improve and develop that part of the country. That is the purpose and object of the bill.

I will say to the gentleman from New York that since this bill was prepared—and it was prepared by the Secretary of the Interior—two commissions have been appointed to examine and investigate that part of the country, and they have reported favorably on the bill and that it ought to pass. It is to relieve a large amount of patented land, territory not suitable for a park, and land that is not needed as a part of the national park.

Mr. MONDELL. I understand the bill provides that there shall be no change of land within the portions of the forest reserve for lands elsewhere.

Mr. GILLET of California. That was carefully guarded. No patented lands in that section can be included as a basis for any loose scrip. It was carefully put so that it should be no basis for loose scrip to be located on lands elsewhere.

The SPEAKER. If there is no further debate desired, the question is on suspending the rules and passing the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted therefor, the rules were suspended and the bill was passed.

The SPEAKER. Without objection, the bill H. R. 15191 will lie on the table.

There was no objection.

RESTORATION OF CERTAIN MIDSHIPMEN TO THE NAVAL SERVICE.

Mr. LACEY. Mr. Speaker, by direction of the Committee on Naval Affairs, I move that the rules be suspended and that the following resolution, which I send to the Clerk's desk, be agreed to.

The Clerk read as follows:

Resolved, That it shall be in order at any time after the reading of the Journal of the 5th day of January, 1905, to take up and consider House bill 12273, a bill granting authority to the President, in his discretion, to restore certain midshipmen to the naval service. This shall be a continuing order until said bill shall be disposed of. This order shall not interfere with the consideration of appropriation bills, conference reports, matters of high privilege, and special orders.

Mr. PAYNE. Mr. Speaker, I ask for a second.

Mr. LACEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman the character of the resolution, and what is the reason for it; what is the reason these midshipmen ask to be restored to the Navy?

Mr. LACEY. This is a resolution in regard to a bill which the gentleman from New York understands very well, and so does the House. We had a debate on it at the time of the adjournment of the last House, but there was not time to dispose of it. This only fixes the time to consider it.

Mr. PAYNE. These young gentlemen were under court-martial and were dismissed?

Mr. LACEY. The motion was not carried in the last session of Congress by a two-thirds vote, and there was no time for a roll call to complete the division upon the bill, although a very large majority was for the bill—162 to 97. The proposition now is to fix a time so that it can be considered and disposed of.

Mr. ROBINSON of Indiana. What were these midshipmen charged with?

Mr. LACEY. They were charged with hazing.

Mr. ROBINSON of Indiana. There is a regular form in the case of the dropping of cadets whereby they may be reinstated if they are entitled to it under the general law?

Mr. LACEY. No; there is no possible way in which they can be reinstated at all except by some action of Congress.

Mr. ROBINSON of Indiana. These cadets have run the usual gantlet of legal regulations and have been found inadmissible to restoration, and it is now sought to give the President power to restore them.

Mr. LACEY. In his discretion entirely. I do not care to debate the matter at any length now, because we discussed it very fully at the close of the last session of this Congress.

Mr. ROBINSON of Indiana. But the gentleman desires to make a special order and give preference to this matter, and I think we ought to have some explanation.

Mr. LACEY. Very well. I will go on and explain it in full. I thought the gentleman was here in the last Congress.

Mr. ROBINSON of Indiana. I was here, but a good many things have intervened since then.

Mr. LACEY. We had no suspension days at the end of the session, the usual six days being limited to just three or four hours in the last Congress, because the motion fixing the date of adjournment was not agreed to in both Houses until just a few hours before the adjournment. In the case of this bill a motion was made to suspend the rules and pass the bill. It was debated, the gentleman from Missouri [Mr. CLARK] taking one side and myself the other, and we got so far along that we were within just a few minutes of the time of adjournment, so that it was impossible to have a roll call; so the bill went over at that time. Now, after a conference with the gentleman from Missouri as to the propriety of having a time fixed so that this may be heard in the ordinary way and not under suspension, this proposition, as I understand it, is not objectionable to him.

Mr. WILLIAMS of Mississippi. Mr. Speaker, what is this?

Mr. LACEY. It is merely to fix a date for the discussion of the naval cadet bill.

Mr. WILLIAMS of Mississippi. Fixing a date for the House to consider it?

Mr. LACEY. Yes. That is all. I do not think it will serve any useful purpose to spend any time discussing the merits of the bill. This is a motion simply setting down a day when the merits of the matter may be discussed.

Mr. FITZGERALD. Why does the gentleman set a day for the consideration of this bill by motion to suspend the rules and not by a special rule from the omnipotent Committee on Rules?

Mr. LACEY. Well, this is one of the ways of fixing a day. It is not at all an unusual thing.

Mr. FITZGERALD. It is very unusual in my experience of six years in this House.

Mr. LACEY. I do not so regard it. This is a resolution that often comes on individual suspension. This is the unanimous request of the Committee on Naval Affairs, that this time be fixed. The date was chosen immediately after the holiday adjournment before other important matters would come in, so that there would be ample time in which to dispose of it.

Mr. DENNY. Was this the same resolution that was before the last session?

Mr. LACEY. No; that was the bill itself. The motion was to suspend the rules and pass the bill. This is a motion to suspend the rules and fix a day for considering the bill; that is, to consider the same bill that we had up at that time.

Mr. WILLIAMS of Mississippi. Does this provide for the consideration of the bill in the House?

Mr. LACEY. The consideration of the bill.

Mr. WILLIAMS of Mississippi. In the House?

Mr. LACEY. That would follow. It would have to be considered in the House.

Mr. WILLIAMS of Mississippi. My object is to find out in what shape it would come in, whether it could come in in such shape that it would be amendable and discussable under the five-minute rule.

Mr. LACEY. Oh, certainly; it is amendable. That would be entirely under the control of the House.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent that the resolution be again reported.

The SPEAKER. Without objection, the resolution will be again reported.

The Clerk again reported the resolution.

Mr. LACEY. Of course it will be disposed of under the rules of the House, subject to amendment.

Mr. FITZGERALD. Mr. Speaker, under the rules of the House, if the gentleman moves that this bill be taken up, would he not be entitled to an hour and in the position to move the previous question and shut off all debate on the bill?

Mr. LACEY. Oh, certainly; that is always the rule in any case. Of course I would not do so. There would be ample time in which to discuss it. The House can control that.

Mr. FINLEY. Is not this one of the differences also, that here a two-thirds vote is required, and in the House a majority vote would pass the bill?

Mr. LACEY. Yes; but now it is not amendable, and then it would be amendable.

Mr. FINLEY. To carry this resolution now a two-thirds vote is necessary here.

Mr. LACEY. Oh, certainly. Most of these matters are fixed by unanimous consent, setting down a day when a matter will be discussed. I should prefer to have asked unanimous consent, but this being suspension day, it could be disposed of in this way. But as there is objection, unanimous consent can not be had.

Mr. FINLEY. Then the gentleman is not willing to take the chances of the passage of his bill under a suspension of the rules?

Mr. LACEY. The gentleman understands the condition as to a quorum at this time. I would not want to press a matter upon which there was a real controversy in a very thin House on a suspension day like this. This only fixes the time—I felt free to do it—to settle the time when the matter could come before the House.

Mr. ROBINSON of Indiana. Does the gentleman's resolution fix the time for its consideration in the House?

Mr. LACEY. There is no time fixed in the resolution. That will be entirely in the control of the House.

Mr. FINLEY. It will be a continuing order?

Mr. LACEY. Certainly.

Mr. MANN. I would like to say to the gentleman it is not entirely in control of the House; it is in control of the gentleman from Iowa.

Mr. LACEY. Not at all.

Mr. WILLIAMS of Mississippi. You can move the previous question.

Mr. LACEY. The House will vote it down if it does not want it.

Mr. MANN. Suppose the gentleman does not move the previous question, then that would be the continuing order of business until the end of the term of the Congress.

Mr. LACEY. Any Member of the House could move the previous question; any Member of the House could move to lay it on the table.

Mr. MANN. But it is not supposed that any Member of the House will move the previous question. As a matter of practice, the gentleman will have control of the time of the House—

Mr. LACEY. Not at all.

Mr. MANN. Outside of appropriation bills and special orders until this is disposed of, which probably will not be until the 4th of March.

Mr. LACEY. The gentleman will have control of time in the House for one hour, and after that the House can do as it pleases about it and bring the matter to a vote on the previous question without further debate, as the temper of the House requires or suggests. It is entirely in the control of the House, and that is the object of bringing this resolution, and it is brought up in this form so there can be no criticism that there is any effort to cut off or stifle debate.

Mr. WILLIAMS of Mississippi. Why should the House make a preference for this resolution? Why should it be taken up out of its order and be made a special order of the House and given a day when so many matters of vast importance can not be gotten up at all?

Mr. LACEY. This bill is on the Private Calendar, and there is no provision in the rules by which it can ever be reached. There is provision for claims, there is provision for pensions. If these boys had deserted from their ship, there is a provision for a special time to consider the removal of the charge of desertion and it could have a special day, but these three young men never practically would have any way to reach the ear of this House except in this way.

Mr. WILLIAMS of Mississippi. There is the call of committees.

Mr. LACEY. Not at all, because it is not on the House Calendar; it is on the Private Calendar.

Mr. PAYNE. I would like to say to the gentleman, why could not this bill be called up when it is reached on the Private Calendar the same as a bill which gives an American registry to a vessel? I think the gentleman is wrong in saying it can not be called up under the rules of the House.

Mr. LACEY. On last Friday the Pensions Committee had the whole day, the Committee on Claims had a whole day, the Committee on War Claims had a whole day.

Mr. PAYNE. I want to say to the gentleman, last Friday—he may not have been here—

Mr. LACEY. Yes; I was here.

Mr. PAYNE. They called up two bills from the Committee on Merchant Marine and Fisheries, two private bills, and they were passed; it was held they had the right to pass them and it has been held so repeatedly before, and if this bill is on the Calendar the gentleman can call it up.

Mr. LACEY. This matter has been fully debated in the House, Mr. Speaker, as fully as possible in a very full House, and there is no reason why now, as we approach adjournment, the bill should not be finally disposed of. Now, that being the case, a bill of this importance, a bill involving the question of whether three young men should be permitted to serve in the Navy of the United States, if the President on proper showing should regard it as a proper exercise of his discretion, ought to have its day and be disposed of.

This bill originates in the House and has to be considered in the Senate, and it ought to be acted upon at an early day. All I ask now under this resolution is merely an opportunity to have the bill duly considered in the House.

Mr. FINLEY. Can you not get your bill up under a suspension of the rules?

Mr. LACEY. That requires a two-thirds vote and has to be passed without amendment. There is no reason why we should take a two-thirds vote to pass this bill.

Mr. MANN. Can you make a motion of that kind again under the rules, this bill having been defeated once?

Mr. LACEY. The motion to suspend the rules and pass the bill failed.

Mr. MANN. The motion to suspend the rules and pass the bill failed; now, is the gentleman authorized under the rules to make the same motion in regard to the same bill again?

Mr. LACEY. I think so. I think there is no question about that. But that is not the proposition. There is no purpose of that kind here.

Mr. MANN. I wanted the bill killed, and I wanted it killed so that it could not be called up again.

Mr. LACEY. If the gentleman wants it killed, there is a chance to vote on it, and to vote it down.

Mr. MANN. I think there is an easier way.

Mr. LACEY. Yes; if the gentleman does not want to be fair—

Mr. MANN. The gentleman ought not to say that.

Mr. WILLIAMS of Mississippi. The gentleman ought not to say that. All of us have bills on the Calendar of a public or private character that we can not get up, and if we asked a day to be set apart for the consideration of each one of these

bills the gentleman would probably be one of the first to rise and say, "Why take a day on this particular bill," if he were opposed to it. Certainly he would. So that it is not quite right for him to say that the gentleman is not fair when he does not want to advance a bill to which he is opposed.

Mr. MANN. The gentleman says the easiest way to kill it would be to have a vote upon it, and decide whether the bill should pass or not. Certainly the gentleman would not have the rules changed so that the only way to kill a bill would be to vote it down. Is the gentleman prepared to take that position in the House—that he wants this House to vote on every bill that comes up? What do we want the rules for? [Laughter.]

Mr. WILLIAMS of Mississippi. The gentleman understands that a man who is opposed to the bill does not really want to advance its chance.

Mr. LACEY. I understand that.

Mr. GAINES of Tennessee. I want to make an inquiry of the gentleman about this bill. It seems that this bill leaves the question of restoring these boys to the academy to the President.

Mr. LACEY. Wholly.

Mr. GAINES of Tennessee. Is there a precedent for that?

Mr. LACEY. I think not.

Mr. GAINES of Tennessee. Why do you put that power in the hands of the President?

Mr. LACEY. It is under a new law. These dismissals were under a new law, and there being no other way it is made in this manner. Now, if these men wanted to go into the Army if they had been dismissed from West Point, all they would have to do would be to wait two years after the graduation of their class and then they might be appointed in the Army. In the Navy it is different. They can not be appointed as commissioned officers in the Navy at any time unless they have graduated. There is no way for men, however well qualified, if any little slip caused them to be dismissed, as for hazing, there is no way under existing law by which they could ever be appointed in the Navy. A man could be appointed a lieutenant in the Army after two years. The provision is to permit the appointment of these young men after the present class shall have graduated, and after the next class that follows shall also have graduated it puts them at the foot of their own class and the foot of the next class, appointing them, not in the academy, but at sea. They will suffer a severe punishment.

Mr. GAINES of Tennessee. The gentleman has more than answered my question. I want to ask him another question.

Mr. LACEY. They do not ask to restore them to the class, but to appoint them to the Navy of the United States as ensigns at the foot of the next class.

Mr. GAINES of Tennessee. Why do you not take that sort of burden off the President and allow Congress to provide for it?

Mr. LACEY. Congress has no appointing power.

Mr. GAINES of Tennessee. Can not that be done by statute? We make generals and grow epaulettes here by legislation as long as a horse's mane. [Laughter.]

Mr. LACEY. I will answer the gentleman from Tennessee [Mr. GAINES] frankly. Congress tried to do that in one case, and the President of the United States, Mr. Harrison, vetoed the bill on the ground that Congress could not by name appoint anybody to an office in the Army or Navy. We could not properly pass a bill appointing these men. It is only permissive and leaves it in the discretion of the President after all. I will reserve the balance of my time.

Mr. PAYNE. I was in hopes that this bill might be left to rest peacefully upon the Calendar after it had had a day in court at the last session of Congress. I believed then, and I believe now, it is a bad bill. I do not believe in hazing. I do not believe it is manly or courageous. It is not a thing for a cadet to engage in, and Congress has been endeavoring to stop it, the Government has been endeavoring to stop it, and we seem to be on the highway to success.

These three young men, notwithstanding that they indulged in hazing, come to Congress—as anybody does who has the least ghost of a chance of securing a hearing here and getting on the soft side of Members—and ask us to remedy the disability and allow the President to reappoint them and rehabilitate them in the Academy. If we took up all of the cases of people who were dismissed from the Army and Navy for consideration here, we would not have time to do anything else, and even could not give them a very long hearing. Inasmuch as this is the last session, and that in the last two months many important matters are to be disposed of, I do not believe we ought to appoint a special day and make this a special continuing order, until it is reached and disposed of in the course of business. It would take nearly all the session, judging from what I know of the feeling that was developed when it was before the House before. At that time the committee could not get the necessary two-thirds to pass the bill,

and I hope it will not get the necessary two-thirds to-day in order to set down any date on which to pass the bill. The gentleman from Iowa [Mr. LACEY] says in that case he had a majority before of the House in favor of the bill when it came up under the two-thirds rule.

I yield five minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. During the preceding session of this Congress I introduced a bill for the reinstatement of the cadets who had been dismissed from the United States Military Academy at West Point. I endeavored to have that bill attached as an amendment to the bill of the gentleman from Iowa [Mr. LACEY] when the latter bill came before Congress on the last day of the preceding session. Some one on that side objected and the necessary unanimous consent was refused. I am in sympathy with the purposes of the bill of the gentleman from Iowa, and I shall not embarrass his proposition to-day by attempting to connect my bill with it; but I wish to give notice now that should the gentleman from Iowa succeed I shall expect the same consideration to be extended to the cadets who have been dismissed from West Point as shall be given to the cadets who were dismissed from the Naval Academy. I want to make this statement in justice to the cadets who were dismissed from West Point as well as in justice to myself.

Mr. PAYNE. I will allow three minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. The statement just made by the gentleman from Texas [Mr. SHEPPARD] illustrates how far this matter will extend. A great scandal arose in the country a few years ago over the abusive treatment received by various cadets at the Military and Naval academies, and, as a result, Congress determined that those who would in the future be guilty of hazing should be punished by expulsion. As a result of legislation by Congress, and a violation of the law by certain cadets, they were expelled from both academies, and immediately an appeal is made to Congress in these bills to restore them. If these bills be passed it is certain that there will be a continual stream of applications from cadets dismissed under the general law to give, as proposed in the pending bill, the President power to reinstate them or to place them in the military or naval service by direct appointment.

This bill was fully debated in the last session when a large number of Members were present. It was found impossible then to pass it under a suspension of the rules. To-day, when most of the Members of the House have gone home for their holiday vacation, an effort is made, under a suspension of the rules, to put this bill in a position where it may be passed by a majority vote of the House. I am opposed to the bills restoring these dismissed cadets to the academies. I believe that if these bills are beaten now there will never be any necessity in the future for similar bills to be brought into the House. We have effectively stopped hazing of cadets at these two academies. I believe that is what the people of the country wish, and I give notice now that I shall require a quorum before this resolution can be passed.

Mr. PAYNE. I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, a few years ago in the House there was a great uproar because of hazing at West Point and Annapolis. A committee was appointed to make investigation. As a result of that investigation, the House took some action. I am frank to say that, as a college graduate myself, I did not have and do not have the abhorrence of hazing that some gentlemen on the floor of the House exhibited here at that time; but the officers in command of the Naval Academy at Annapolis followed the ideas enunciated here by the House and by Congress. They complied with the requirement which we put upon them, and, as a result, three boys were court-martialed and expelled for hazing. The question for Congress to determine is whether they will slap in the face the officials of our academies and say to them: "While we talk against hazing, we restore those who are court-martialed for that offense."

Mr. CHARLES B. LANDIS. When you were in college, however, you drew the line in hazing at crippling and maiming for life and taking human life, did you not?

Mr. MANN. I draw the line now at giving precedence to bills of this character for the purpose of reflecting upon the officials of these academies. If the gentleman from New York [Mr. FITZGERALD] had not given the notice he gave, I think there are a number of other men on the floor of the House who might have given that notice. This bill was debated in the last session. It did not pass. It has had its day in court. It has no license to take precedence over all other business in this House during the next month, perhaps, or two months. I say this with great deference to the gentleman who intro-

duced this bill. I think it is a credit to the size of his heart that he has come here to ask the restoration of these boys. I know that in this case his heart, big as it is, has overcome his judgment, but that ought not to affect the rest of us.

Mr. PAYNE. I yield three minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Speaker, if persistence on the floor of the House is to be the measure for breaking down the efficiency and strength of the regulations in the naval and military academies of the country, I think this will give the House an opportunity to voice that sentiment.

This bill provides that cadets, who were furnished with the splendid opportunities offered by the Government, but who failed in their obligations to their duty, and who under the regulations of the United States Government were displaced, shall enter the service of the Government without passing the examination required of others who have performed all the requirements. This bill bears upon its face the preposterous principle that a violation of the regulations of the academies shall be the price of preferment there. Every time that principle is advocated here I think we should take occasion to defeat it, and to destroy these efforts which are being made to give preference to those who violate the rules and regulations of the academies, and to place the stamp of our disapproval on the practice of hazing, as this Congress has heretofore done.

Discipline is the essence of efficiency in the Army and Navy, as it must needs be in the academies to prepare cadets for the service.

A young man singularly favored by an appointment where so many deserving ones aspire, and knowing, as he must, that he must be a gentleman and conform to regulations, and who, at the very first step, violates rules and regulations that justly bring him under displeasure and results in his dismissal, is not an object of sympathy or charity, but justice. That justice was meted out under the well-regulated provisions of the law against hazing in this case by trial and dismissal.

The offense is not mollified but aggravated by the high position lost and by the severe attitude against these ungentlemanly practices of hazing, which has of late years characterized Congressional action. Waiving for the present the absolute necessity of upholding the arms of our academy authorities in enforcing rigidly the edict of Congress, let us look into the preposterous nature of this proposed measure. It contemplates that ungraduated cadets, having served an incomplete course in the Academy, shall be appointed to the Navy on a parity with other faithful and well-equipped and graduated cadets who have not violated regulations and who have not been found wanting. That one under a ban of court-martial and dismissal should be restored to the same place as the deserving is to stultify the legislative body and open the flood gate to all manner of abuse and unwise legislation.

Surely if relief is granted in this case it can not be denied to others similarly situated, and thus all wholesome and necessary regulations, the heart of our naval and military arms, are set aside.

In a matter so important, the relief here sought, so undeserving, should urge us to deny at the very first step the consideration of it.

Mr. PAYNE. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Speaker, two years ago I was a member of the Board of Visitors representing this House at the Naval Academy. On that occasion the question of hazing was being agitated very seriously, because the offenses which attracted the attention of the country had just been committed. The commandant of the Naval Academy said to me, as a Member of this House, "If Congress will stand by us we can put this hazing down." The order was issued. Certain offenses were committed, and in pursuance of the regulations of the academy these boys were expelled. I have just as much kindly feeling toward schoolboy pranks as any Member of this House, but on this particular occasion it is something, in my judgment, that goes far beyond and deeper even than the ordinary hazing that takes place at schools and colleges. In my judgment, there is a principle involved in this thing. These men, both at Annapolis and at West Point, are to enter the naval and military service of our country, and the first duty that is taught a soldier and a sailor is that he must obey. There can be no success in the Army and in the Navy unless that is inculcated ab initio into everyone who is to serve the military or naval forces of our country. The regulations of the Naval Academy were well known to these boys; due notice had been given. A great public agitation had been raised on this question, and the public and popular sentiment of the country had been shown as to which side it lay. And yet, in spite of all that, these boys de-

liberately, with full warning, committed this breach of military discipline and broke the regulations of the academy. In my judgment, it will be subversive of all discipline in our naval and military colleges if this thing is to be indorsed by the Congress of the United States.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PAYNE. I yield two minutes more to the gentleman.

Mr. ADAMS of Pennsylvania. When this bill was up before I expressed the same views, and I said that so sure as this bill passed you will have other legislation knocking at the doors of Congress to remedy other evils and reinstate persons who have committed other crimes. As soon as that bill was before Congress another was introduced mitigating the punishment of two cadets at West Point.

Mr. Speaker, it will not only break down the discipline of these institutions, but I think when we have the strong testimony of those who are in charge that immediately we ought to pay some heed to the judgment of those who have been put in control. In my judgment if this passes it will be subversive to all discipline, not only there, but it will affect the discipline of the service at large, both in the Army and in the Navy.

Mr. PAYNE. Mr. Speaker, I surrender the balance of my time.

Mr. LACEY. I yield the remainder of my time to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Speaker, I think there has been some misunderstanding about the nature of this event. I have not forgotten when I was a boy. I do not suppose that there is any gentleman in this House, when he was a boy at school, that committed any more or less of a trivial attempt than these three boys are charged with here. Within a few months of graduation, within a few months, according to their standing in the Naval Academy, when they would, no doubt, have stood the examination and have been graduated. These boys who committed whatever offense there was only broke the rules by requiring in private, in five or ten minutes, a few harmless gymnastic exercises, without any cruelty, without any harm to the boys alleged to have been hazed. While it was an infraction of the rules it was a very trivial offense that could be called hazing only in name. Now, there is no gradation in the punishment that is given under the rules. Here is a most trivial offense committed by these boys, and yet they shall be damned and damned forever by the strict performance of the rule. They have served until within two or three months of graduation at the expense of the Government. These boys, manly fellows, never could have been convicted of the offense if they had refused to tell. The boys against whom the offense was committed refused to tell, and yet these boys stepped forward and, with the manhood of boys in this class of American manhood, admitted what they had done. If it had not been for that, if they had refused to have confessed or had equivocated or lied about the matter, they would have been graduated and been in the Navy to-day. This bill does not propose to put them back into the institution; it does not propose a slap on the officers of that institution; it casts no slight upon them. Congress is simply to equalize the matter. They have been punished for a trivial offense with a punishment that the greatest offense they could have committed would have deserved. It seems to me that with the feeling of boyhood left in us Congress will, if it is allowed, equalize this or have a day set at all events, so that we may go into the merits of this case and have it settled by Congress as to whether these boys should be damned forever for this slight offense.

Mr. LACEY. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the motion to suspend the rules and agree to the resolution.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 35, noes 77.

So (two-thirds not having voted in the affirmative) the resolution was not agreed to.

CIVIL GOVERNMENT, PHILIPPINE ISLANDS.

The SPEAKER laid before the House the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

Mr. JONES of Virginia. Mr. Speaker, I move, if it be in order, that this bill be referred to the Committee on Insular Affairs, which reported the bill.

The SPEAKER. The Chair thinks that the motion to refer takes precedence over the motion to nonconcur. The question is on the motion of the gentleman from Virginia to refer the bill with the Senate amendments to the Committee on Insular Affairs. The question was taken, and the motion was agreed to.

INAUGURAL CEREMONIES.

Mr. MORRELL. Mr. Speaker, I call up Senate resolution 84, authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, and so forth, with an amendment in the shape of a substitute, and move to suspend the rules and pass the same as amended. I would like to say, Mr. Speaker, before the amendment is read, that this is a bill reported by the House Committee on the District of Columbia, substituting the word "Capitol buildings" instead of the words "Library of Congress," it having been demonstrated by a canvas of Members that there was very strong opposition to the use of the Library building for the purposes of the inaugural ball. I ask unanimous consent that the resolution, as amended, be read instead of the resolution and the amendment separately.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to omit the reading of the Senate joint resolution and to read in lieu thereof the proposed substitute. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the substitute.

The Clerk read as follows:

Joint resolution (S. R. 84) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

Resolved, etc. That the Superintendent of the United States Capitol Buildings and Grounds is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the United States Capitol buildings in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, subject to such restrictions and regulations as the said President of the Senate, the Speaker of the House of Representatives, and the said Superintendent may prescribe in respect of the period and manner of such use.

SEC. 2. That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President-elect on the 4th day of March, 1905, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statutory thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Superintendent of the United States Capitol Buildings and Grounds: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage to structures of any kind whatsoever upon such reservation or spaces.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1905, to stretch suitable overhead conductors, with sufficient supports wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided*, That if it shall be necessary to erect wires for illumination purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for the conveying of electrical currents after March 7, 1905, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1905: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *Provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 4. That \$18,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1905, both inclusive. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance and to make special regulations respecting the standing, movements, and operating of vehicles of whatsoever character or kind during said period. Such regulations shall be in force one week prior to said

inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of any such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days. And the sum of \$2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth, belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration and may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided*, That the loan of the said ensigns, flags, signal numbers, and so forth, to said chairman shall not take place prior to the 28th day of February, and they shall be returned by him by the 10th day of March, 1905: *Provided further*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1905, such hospital tents and camp appliances and other necessities, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *Provided*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use.

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Company and the Postal Telegraph Company to extend overhead wires into the United States Capitol Building and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies on the 4th day of March, 1905.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized to issue steam railroad companies in said District permits to temporarily occupy additional parts of the streets for the purpose of accommodating the traveling public attending the inaugural ceremonies in March, 1905: *Provided*, That such temporary occupation shall not exceed the period of fifteen days and shall be subject to conditions prescribed by said Commissioners: *Provided further*, That no temporary tracks shall be laid upon or over any of the parks of the city.

The SPEAKER. Is a second demanded?

Mr. BAKER and Mr. MADDIX demanded a second.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York [Mr. BAKER] and the gentleman from Pennsylvania [Mr. MORRELL] will take their places as tellers, the question being on ordering a second.

The House divided; and the tellers reported that there were—ayes 86, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. MORRELL] is entitled to twenty minutes and the gentleman from New York [Mr. BAKER] is entitled to be recognized in opposition to the motion for twenty minutes.

Mr. MADDIX. Mr. Speaker, I think the Chair is mistaken. I think that I am entitled to the twenty minutes under the rules.

Mr. BAKER. Mr. Speaker, if the Chair will remember, I think the gentleman from New York rose before the gentleman from Georgia.

Mr. MADDIX. But I think the gentleman did not demand a second.

Mr. BAKER. I did demand a second.

The SPEAKER. The Chair is inclined to think, under the circumstances, that the gentleman from New York [Mr. BAKER] is entitled to recognition for twenty minutes.

Mr. MORRELL. Mr. Speaker, I would like to call the attention of the House to page 4 of the report accompanying this resolution. On that page reference is made to the law which was enacted as an amendment to the legislative appropriation bill which was passed April 28, 1902, which stated as follows:

That hereafter no public buildings, or the approaches thereto, other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of the President of the United States, or other public function, except as may hereafter be expressly authorized by law.

I may say that this amendment was strongly advocated when it came up for passage.

By the substitute amendment which I have offered it will be seen that in authorizing the use of the Capitol we are keeping within this amendment which was passed immediately following the last inauguration. Further on in the letter from the Secretary of the Interior, Mr. Hitchcock, dated December 12, 1904, he recites the following:

Regarding the merits of so much of the resolution as pertains to this Department, it may be stated that the Pension Office building has in prior years been used for inaugural balls, and is, I am advised, peculiarly adapted for such ceremonies.

Whether or not its use should be permitted as contemplated in this resolution is problematical. The according of the use of the building will necessitate the suspension of business in the Pension Office for a considerable period, the safe removal and satisfactory storage in practically fireproof quarters of all pending file cases from the court of the building, the removal to places of safety of furniture from as many of the floors of the building as will be utilized, the absolute surrender of a number of rooms on such floors, and the fixing in place in the great court of the building and along the balconies of bunting and other decorations of an inflammable character, to say nothing of the installation of additional electric lights, which will in all probability be required on that occasion. The handling of furniture in removal from the rooms for storage racks and injures it considerably, and the danger of damage in the removal and handling of papers and records is necessarily great.

The element of danger from fire and loss of papers attendant upon such occupancy of the building is one which can not be lightly passed over when it is considered that the loss of papers and evidence in pending claims, which can not be duplicated, would be irreparable and work great injury upon many deserving claimants, doubtless preventing favorable action by the Bureau on their claims and necessitating the petitioning of Congress for relief. Aside from the large mass of records and papers in the various divisions of the office in everyday use in the work of this great Bureau it should be borne in mind that there are stored in the upper portion of the building the papers in 1,650,400 adjudicated pension claims, and on the floor of the court there are 369 file cases, in four sections, containing 450,000 pending applications and abandoned files. All this material is of inflammable character.

As a matter of information, it may be stated that as a result of the occupancy of this building at the last inauguration, in 1901, to say nothing of the incidental damage to the building and the furniture by reason of such use, the loss of time of the employees of that Bureau, I am credibly informed, aggregated in value \$30,000.

It may also be stated that during that period three fires occurred in the building, as follows:

March 2, 1901, at 9.30 a. m., on the first landing of the northern stairway, caused by a leakage from a gasoline torch.

March 3, 1901, at 1.40 p. m., caused by the ignition of a lot of straw at the back of the musicians' stand.

March 3, 1901, at 7.12 p. m., in the second balcony, caused by the breaking of an electric-light globe, the hot glass falling on the decorations and igniting them.

These fires were extinguished without doing any great amount of damage, but they show the possibility of similar fires occurring in the future if the building is used for the same purpose.

The Commissioner of Pensions in submitting a report on March 21, 1901, as to the result of the use of the Pension Office building for the inaugural ball stated, among other things, that "as little loss of time as practicable took place, and I am under many obligations to the employees of the Bureau for their general supervision and care of the property and papers, but I desire to say to you now that this building should never again be used for the purpose of the inaugural ball."

In view of the circumstances recited above, I do not deem it expedient to express any opinion as to the propriety of the passage of the resolution above mentioned, believing that the question presented is one which should be settled in such manner as Congress in its wisdom deems best.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia,
House of Representatives.

I call attention to the fact that he says all this material is of inflammable character, and he calls attention to the fact that there were three fires, slight as they were and promptly extinguished owing to the very efficient services of the fire department of the District, but nevertheless there were, he felt called upon to state, on the occasion of the last inauguration three distinct fires. He winds up his report to the chairman of the Committee on the District of Columbia by saying, "What I desire to say to you now is that this building should never again be used for the purpose of an inaugural ball."

When the suggested bill, since passed by the Senate, was submitted by the chairman of the Committee on the District of Columbia of the House to the Secretary of the Interior, asking his opinion in this matter, he wrote back stating, as his letter shows, that he desired that in the bill he should not only be authorized, but absolutely commanded, to give the Pension building for this purpose, as he did not think it was fair that one man should have the responsibility of any such authorization.

The Committee on the District of Columbia had before them the gentleman in charge of the Library of Congress, Colonel Green, and he said that no damage could be done to that building that might be of a serious character, but he called attention, however, to what would be a very serious defect in its use for that purpose, viz, that there was in the center of the large reading hall desks which were of such a permanent character that they could not be utilized. He also called attention to the fact that there was but one entrance to the building. The committee then came to the conclusion that this, the Capitol

building, inasmuch as it was authorized by law to be used for such purposes, would be a proper place to hold the ball, for the reason that it did not, as the use of the Pension Office would, incur an expense to the Government of some \$30,000 on account of the cessation of labor of the clerks there, and also for the reason that it did not practically stop the execution of public business for a month, which is the case when the Pension Office is used. Moreover, that in this building there would not be the same danger of fire.

We have here our own efficient Capitol police force and fire department; we have our own light and heat plants, and we have a building thoroughly adapted for that purpose. On the ground floors we have plenty of space for cloakrooms and restaurants; we have three distinct exits to the front besides the exits to the rear in case of fire. Therefore the committee was of the opinion that this would be the place to hold the ball.

Mr. BURKETT. Will the gentleman permit me a question? How long would it take to get the Capitol building ready for this ball?

Mr. MORRELL. That of course depends entirely upon the question of the decorations. It was the opinion of some of the gentlemen that the Capitol building itself, being of such a handsome character, the amount of decoration would not be necessarily as large as would be the case if the Pension Office was used.

Mr. BURKETT. Would they have to refloor all this Rotunda out here?

Mr. MORRELL. No; I should say not.

Mr. BURKETT. Would that floor be carpeted?

Mr. MORRELL. I should think so.

Mr. BURKETT. Would they have to do more electric wiring?

Mr. MORRELL. With respect to electric wiring, the building, so far as I have seen, is pretty thoroughly wired now, and what wiring would have to be done would not be very considerable.

Mr. BURKETT. Does the gentleman know, or has the committee had hearings as to how much they are going to pay to prepare this hall for this inaugural ball, how long it will take them to prepare it, and what the character of repairs will be?

Mr. MORRELL. It was the opinion of the Superintendent of the Capitol Building that all the decoration that would be necessary here could be done without interfering with the business of Congress in any way, shape, or form. I consulted with Mr. Brown, and he seemed to think that, too. I reserve the balance of my time.

Mr. BURKETT. I would like to ask the gentleman, before he sits down, this question: Does this ball contemplate the use of the committee rooms of both Houses of Congress, both the Senate Chamber and the House of Representatives?

Mr. MORRELL. As the bill reads, it provides for the use of the Capitol building. The amendment further provides that all necessary regulations shall be made by the Superintendent of the Capitol Building.

Mr. BURKETT. As I understand, this ball is a private institution?

Mr. MORRELL. Yes.

Mr. BURKETT. Not a Government function, and in no way under the jurisdiction of the Government or control of the Government?

Mr. MORRELL. It is entirely, as I understand it, in the hands of the civic committee.

Mr. BURKETT. It is giving the use of the Capitol to the people of the District of Columbia to hold this public ball in. Is that the idea?

Mr. MORRELL. Well, it is supposed to be of such national importance—not perhaps importance, but national interest, the President attending the ball, and people coming from all over the country, Maine to California, Michigan to Florida, in order to be present at this function—that it is thought it would be a quasi public use for it.

Mr. BURKETT. Do I understand the gentleman to say it is a public affair, or do they charge an admission fee?

Mr. MORRELL. An admission fee is charged; and that admission fee, as I understand it, goes largely toward paying all the expenses of conducting the other parts of the inaugural ceremonies.

Mr. BURKETT. Does the gentleman know of any other public building, in his town or in any other town in this country, that is ever given up for use for anything that is not strictly of a governmental nature?

Mr. MORRELL. The Pension Office has been given up for this purpose, and it is likewise a public building.

Mr. BURKETT. I am asking outside of this city.

Mr. DOUGLAS. Will the gentleman permit me to ask him a question?

Mr. MORRELL. Certainly.

Mr. DOUGLAS. Would it not be well to reserve the House and Senate and the Supreme Court Chamber for the benefit of the House and Senate and their relations? There is plenty of room in the Capitol, and some consideration ought to be shown for the House and Senate.

Mr. MORRELL. I imagine that all regulations of that kind would be made by the Superintendent of the building after consultation with the President of the Senate and Speaker of the House of Representatives.

Mr. DOUGLAS. I just threw out a suggestion for your consideration; that is all.

Mr. WILLIAMS of Mississippi. Will the gentleman yield to me for three or four minutes?

Mr. MORRELL. Yes, sir.

Mr. WILLIAMS of Mississippi. Mr. Speaker, as an original proposition I should be unalterably opposed to permitting a public building to be used for purposes of this kind. But for years and years it has been the custom to use some public building. It has been done for Democratic inaugurations and Republican inaugurations. It would now seem petty and spitefully for me to raise an objection of that sort. I want to express this view, however, now: That the people of the District of Columbia, knowing beforehand that every four years there is going to be an immense accession of people here at the inaugural celebrations, will keep that promise which they once before made to Congress, or to its committees, rather, to erect a building suitable for such purposes as this, and suitable for general convention purposes as well.

But the point that I want to call the attention of the House to now is this. Here is the language of the measure before us:

That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damages to structures of any kind whatsoever on such reservations or spaces.

That language, I am informed, though I have not lately read it, was in the bill providing for exactly this purpose at the last inauguration.

Now, I want to call the attention of the House to the practical difficulty there, and I wish to ask unanimous consent, which I think will not be objected to, that an amendment be made, which I will state in a moment. I will first explain the reasons for it. After the last inauguration the Secretary of War ordered the inauguration committee then in existence to take down some scaffolding in front of the State, War, and Navy Department. That order was not complied with. Afterwards that scaffolding took fire and burned up, and on page 1463 of the RECORD of February 7, 1902, you will find a picture of the Government property there—of those magnificent gates as they were before the fire and as they appeared afterwards. It cost the Government of the United States \$3,000 to make the repairs. There were \$5,000 in the treasury of this District inauguration committee. The War Department asked the District Committee to indemnify them. They not only did not do that, but treated the War Department with a great deal of contempt, under all the circumstances, as you will find by reading the facts as disclosed by Mr. Bell of Colorado, in his speech upon that occasion. Out of the \$5,000 in hand they refused to pay the \$3,000, and the Government could not compel them to do it, because the committee was not incorporated and therefore could not be sued.

Now, I wish to ask unanimous consent, and I hope it will be granted, that after the language which I have read the following be inserted:

And shall give bond, with security approved by the Secretary of War, to do the same.

That is, to indemnify. I hope that will be done, and that the gentleman in charge of the bill will not object to it.

Mr. MORRELL. I would like to say, Mr. Speaker, that I echo the wish of the gentleman from Mississippi [Mr. WILLIAMS]:

Mr. WILLIAMS of Mississippi. That is all I wanted to say, Mr. Speaker, in this connection. I ask unanimous consent, then, that the pending resolution be considered with the language added:

After the word "spaces," in line 25, page 2, add the following language: "And shall give bond, with security approved by the Secretary of War, to do the same."

The SPEAKER. Is there objection?

Mr. ADAMS of Pennsylvania. I would like to ask the gentleman who is to give this bond, if they are not incorporated? Are they to give bond individually?

Mr. WILLIAMS of Mississippi. They will have to give it themselves, all of them; sign it themselves, and have the sureties sign it.

Mr. ADAMS of Pennsylvania. Then suppose there is no money left over this time as there was the last time, are they to be held personally liable?

Mr. WILLIAMS of Mississippi. They ought still to pay for any damage done. Listen to the language of the bill being considered:

To be restored to their original condition, before such occupation.

Of course that does not take in the act of God, or the act of the public enemy, or any unavoidable cause.

Mr. ADAMS of Pennsylvania. The only question, Mr. Speaker, is that they are a voluntary committee, and it seems to me that if they have to give an individual bond, then if damage is done in this celebration, and there are no funds left over, would it not make them personally liable?

Mr. WILLIAMS of Mississippi. If the gentleman will excuse me—I hate to say this—this is a money-making affair. They rent all these seats that are put upon these public reservations. They charge for them; and the last time they turned the money back—I started to say to the incorporators, but unfortunately they were not—but to the people of the District of Columbia, in some way, I do not know just exactly how. At any rate they had the money in the treasury.

Mr. PAYNE. I want to say to the gentleman that they subscribe the money in advance and pay it in, and when the inauguration ceremonies are over they always pay back in full, and the last time they had four or five thousand dollars besides that.

Mr. WILLIAMS of Mississippi. I am informed, although I do not know it to be a fact, that at every inauguration they have some money left over.

Mr. ADAMS of Pennsylvania. I had no idea of objecting, unless injustice was going to be done to these men. To make them personally liable when performing a public function, if no funds were left over, I think would be severe punishment.

Mr. PAYNE. The committee can control that.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none; and the motion is to modify so as to cover the substitute with an amendment. Does the gentleman reserve his time?

Mr. PAYNE. I reserve my time.

Mr. BAKER. Mr. Speaker, the remarks of the gentleman from Pennsylvania [Mr. MORRELL], who proposes this resolution, are based, apparently, upon the assumption that there must be a ball; and throughout the discussion the assumption, even of others who have taken part in the debate, has been that there must be this social function.

Mr. MORRELL. Mr. Speaker, will the gentleman permit an interruption for a moment?

Mr. BAKER. Certainly.

Mr. MORRELL. I would like to state to the gentleman that he entirely misunderstood the tenor of my remarks, if from them he thought I was of the opinion that there must be a ball.

Mr. BAKER. I am glad to hear that the gentleman does not agree that a ball is necessary, and it is because I am of that opinion myself that I am opposing this bill.

It is entirely true that whoever does this, especially on this side of the House, will be credited with personal hostility to a Republican President; but that is the situation that any man who opposes any custom which he believes to be wrong invariably has to meet.

I recognize the truth of the position taken by a distinguished Democrat on this side—that it would very likely be construed as petty and spiteful; and yet I deny that any action of this character necessarily involves its being petty or spiteful. If this custom is, as I believe, a wrong one—the mixing up of public duties with social functions—then it is the duty of this House, or at least of those who agree with me, and certainly it is my duty, to oppose that admixture, regardless of whether it has been in operation a hundred years or not.

Now, Mr. Speaker, the leader of this House has said that when "the show" is over the public building—the Capitol—is to be returned to its original condition. So far as "the show"—it is not my expression, I am simply adopting the expression of the gentleman from New York [Mr. PAYNE]—so far as the show is a public one, so far as anybody in the United States can come and participate in this show, I should not make any objection; but when a few individuals get together for their own social prestige, which we are constantly hearing of on this floor, when public carriages are used, as they have been used, to maintain the social prestige of minor officials of the Government, when any action is taken by this House the effect of which is to create a social prestige for some individual or some class, I am opposed to that. I am opposed to the use of public buildings for any such purpose. I should oppose this measure if a Democrat had been elected and if a Democrat was to be inaugurated on March 4. It is not a question of Mr. Roosevelt. His personality is

not involved in this proposition at all. The question is, Should public property be used for social functions? I say not. I am opposed to the use of it for any such purpose.

Mr. SIMS. Having got rid of a saloon in the Capitol, you do not want to turn it into a ballroom.

Mr. BAKER. I am opposed, as I said, to the use of any public building for social functions. It is none of our business what the President of the United States may choose to do with the salary which is paid him. He can spend all of it on social functions if he wishes to. It is no business of any person in the United States what he does with that, but it is the business of the people, and it is the business of the people's representatives to see that by their act no class distinctions are created, such as will be fostered by this ball. You are tending to create, you are accentuating, that social-prestige idea which to my mind is absolutely undemocratic. I am opposed to the whole idea of the bill, and I would oppose it just as fervently if a Democratic President had been elected.

Mr. Speaker, the gentleman from Massachusetts [Mr. THAYER] desires some time. I believe I have a few minutes remaining.

The SPEAKER. How much time does the gentleman yield?

Mr. BAKER. I yield such time as the gentleman from Massachusetts desires.

Mr. THAYER. Mr. Speaker, I do not oppose this resolution at all on the ground upon which the gentleman from New York [Mr. BAKER] opposes it. I hope that the inauguration of our President will be as grand as was ever held, and commensurate with the dignity and standing of this nation. I believe the only place in this city where it can be brought about with regal splendor is where it has been heretofore held, at the Pension building. There is no building in this city, so far as my acquaintance goes, so well adapted to the holding of a grand ball and demonstration such as we have had in years gone by as the Pension building.

And the talk that has been made by the gentleman from Pennsylvania [Mr. MORRELL] that a great deal of time is lost by reason of clerks being out of employment for a short time while preparations are made for the ball I do not understand is borne out by the facts. Now, Mr. Speaker, it is well known that when the Pension building was built the architect had in mind the preparation of that magnificent hallway for the purpose of inaugural balls. I think one of the grandest sights I ever witnessed was the electrical effect that was produced there four years ago when the inaugural ball was held there. While the Congressional Library is one of the finest in the country, or in any country, it is devoted to the purposes of a library and not to the purposes of a dance hall. I doubt if you could make it as beautiful as you can the Pension building, and it was these views I wished to submit as to the amendment that has been offered.

I do not believe that there is much expense entailed on the Pension Department by reason of these clerks being deprived of work for a few days. I understand that that work is carried on in such a way that very few are deprived of the opportunity to continue their labors. That large hall—one of the grandest, as it seems to me—is peculiarly adapted for purposes of an inaugural ball. The Congressional Library—beautiful as it is, nights, far more beautiful than the Pension building in its original state—is not, it seems to me, so well adapted for arrangements for a ball. I do not know how you are going to dance in large numbers in the Congressional Library, either on the first or second floors, as has been suggested. I object to the amendment proposed by the committee and hope it will not prevail.

Mr. BAKER. Mr. Speaker, I reserve the balance of my time. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twelve minutes.

Mr. THAYER. Mr. Speaker, I asked for a copy of the resolution, and in that was the amendment for the Library building. Since speaking I am told that there is another amendment proposed that names the Capitol instead of the Congressional Library. I want to know in whose fertile mind originated the idea of turning the Capitol into a dance hall, even for one night? I am more opposed to holding the ball in the Capitol than I was to changing it to the Library building when I understood that the amendment had that in view. By all means I think it would be beneath the dignity of the American people to permit any portion of this Capitol to be used as a dance hall one night even in the three hundred and sixty-five. I most seriously object to it, more seriously than I did to the amendment in relation to giving it to the Library building.

Mr. MORRELL. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I concur with the gentleman from Massachusetts that the inauguration of the President of the

United States should be conducted in a manner which comports with the dignity of this country as a world power. The inauguration of a President of the United States is no ordinary event. I do not believe that the ceremonies should be conducted in a niggardly manner. The District of Columbia Committee was confronted with this proposition, whether the ceremonies should be conducted in the Library building, or the Pension Office, or the Capitol. So far as I am concerned, I would not consider the Library for one moment.

Mr. PRINCE. Will the gentleman allow me a question?

Mr. POU. Certainly.

Mr. PRINCE. Did the committee take into consideration at all Convention Hall, in this city, with a view to making an appropriation to have that used for the ball?

Mr. POU. I think not.

Mr. PRINCE. Would not that be large enough to hold the ball?

Mr. POU. I am not informed as to that.

Mr. PRINCE. Would not it be a place where none of the public service would be in the slightest degree interfered with, either by the disturbance in the Capitol, by the removal of files from the Pension Office, or by defacing the Library?

Mr. POU. I do not think that building was considered by the District Committee and therefore can not answer the inquiry of the gentleman.

Mr. WILLIAMS of Mississippi. Did the gentleman consider the Census building in that connection?

Mr. POU. I think not. Only these three buildings were considered by the committee. Every other building seemed to have been eliminated by the inaugural committee. As for the Library, I believe the decorations are too delicate and too expensive to be exposed in the slightest degree to damage or defacement. Then the question was narrowed down whether the ceremonies should be held in the Pension Office or in the Capitol.

Mr. DINSMORE. On what ground does the gentleman say that the Library was not to be thought of? On the ground that it would destroy it?

Mr. POU. No.

Mr. DINSMORE. I think it would be utterly ruined. It would be permanently disfigured and injured, and I think the same thing is true of the Capitol.

Mr. POU. I am informed by gentlemen that so high an authority as General Wilson declared that the Library would be an ideal place and that there was practically no danger to the building. Gentlemen who appeared before the committee assured us there was no danger of injury to the Library building, but the committee thought there might be some slight danger, and therefore it was eliminated from consideration.

Now, Mr. Speaker, it would hardly diminish the attendance if dancing should be barred, and if dancing is not allowed will any gentleman say that it is improper for the President to hold an inaugural reception in this building? The idea strikes me as being proper. There is small danger of fire, the expense would be moderate, and there is no danger of injury to the building. But the District Committee is not wedded to the use of any particular building. The gentleman from Pennsylvania [Mr. MORRELL] has merely reported in favor of the building against which we believe the fewest objections can be urged.

The Pension building was favorably considered, but the committee was confronted with the statements of the Secretary, quoted by the gentleman from Pennsylvania, that there was danger of fire and that in case of fire there would be irreparable injury. We were informed that there had actually been two or three slight fires at the last inauguration and, therefore, it was not thought wise to report in favor of the use of the Pension Office.

Mr. THAYER. Mr. Speaker, I would like to ask the gentleman, if there is any danger of fire at the Pension building, would there not be far more danger here in the Capitol building?

Mr. POU. Of course there is danger of fire anywhere. Some risk has to be run anywhere, but the destruction of papers and documents in the Pension Office would cause incalculable damage. Furthermore, it was argued that there would be considerable expense in the use of the Pension Office. The committee seemed desirous of reporting in favor of the building exposed to the smallest danger and which could be used at moderate expense. By elimination it was agreed to recommend the Capitol building.

Now, so far as I am concerned, I can see no impropriety in conducting the inaugural ceremonies of the President of the United States in the Capitol building. I do not think a dance should be permitted in this building, but I am informed that but few, comparatively speaking, ever indulge in dancing, but it is more a gathering of the people with a view to commingling with each other and a desire to have an opportunity of meeting the

President of the United States. If dancing is objected to, I suppose that could be eliminated; but, so far as I am concerned, I see no possible impropriety in holding the ceremonies to inaugurate the President of the United States under the dome of this building. Under all the circumstances, it seems to me that it would be the part of wisdom to adopt the recommendation of the gentleman from Pennsylvania [Mr. MORRELL] and grant the use of the Capitol as the proper place to hold these ceremonies.

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Mr. Speaker, if the resolution is passed, will or will not that throw the entire matter into conference, leaving the conferees free to select either the place designated in the bill or the Pension building, or the Census building, or any other place? Would not the committee then have full authority?

The SPEAKER. If the House will indulge the Chair, the Chair will state that he will not be bound by any opinion until we have arrived at the river, if we ever do. But the Chair takes it that it is proper to say that as at present advised the object of the Senate bill being to grant a public building for the inaugural ceremonies referred to, and the proposed amendment by way of a substitute designating another public building, it seems to the Chair that a conference committee would have jurisdiction to determine the use of any public building in its agreement for the inaugural ceremonies. Of course when the conference report was submitted, if it did not meet the views of the respective bodies, it would not be adopted.

Mr. WILLIAMS of Mississippi. That was my view, Mr. Speaker, but I wanted the House to understand it, so that we could vote intelligently.

Mr. GILLET of Massachusetts. Mr. Speaker, a parliamentary inquiry. If the House now should vote down the proposition of the committee, which is that the Capitol building be substituted for the Pension building or the Library building, then would there come before the House now the original proposition of the Senate to use the Pension building?

The SPEAKER. The Chair will answer the gentleman by saying that there is now before the House a proposition to suspend the rules and pass the bill with an amendment in the nature of a substitute. It will be all voted upon together. If the motion fails that is the end of it so far as proceeding under suspension of the rules is concerned. Now, then, this bill is reported from the Committee on the District of Columbia. To-day is not District day, and the bill will be precisely in the position as if the motion to suspend the rules had not been made, viz, being on the Union Calendar, it would remain there and come up and be in order on District day, which would be, as the Chair recollects, the second Monday in January.

Mr. BARTLETT. Mr. Speaker, I desire to make a parliamentary inquiry and ask if this is a vote upon the report of a conference committee. As I understand it, we are not now called upon to concur in the report of some conference committee?

The SPEAKER. Oh, no.

Mr. BARTLETT. Therefore, if we vote in favor of the proposition suggested by the gentleman from Pennsylvania [Mr. MORRELL], we do not necessarily send it to a conference committee?

The SPEAKER. No; but the Chair anticipated that in the event of the motion prevailing it would be followed up by a motion asking for a conference with the Senate on the substitute. Perhaps that might be included by unanimous consent, although the Chair is inclined to the opinion that it would be in order, in the event the resolution is passed under the suspension of rules, to move to ask the Senate for a conference. Then it would be for the Senate to determine whether it would grant a conference or to consider the House amendment, as it saw proper.

Mr. BARTLETT. We are now voting upon whether or not we will agree upon an amendment which the Senate has put upon the bill. Is that the proposition?

The SPEAKER. To pass a bill with an amendment covered by a motion—

Mr. BARTLETT. An amendment offered by a House committee?

The SPEAKER. Yes.

Mr. TALBOTT. Mr. Speaker, a parliamentary inquiry. If the House votes a substitute for the bill as it comes from the Senate it goes back to the Senate?

The SPEAKER. If the House votes for the substitute for the amendment, of course it goes back to the Senate.

Mr. TALBOTT. Then in the natural course that is the end of it?

The SPEAKER. Yes.

Mr. TALBOTT. If the Senate does not concur, they ask for a conference.

The SPEAKER. That would require another step; either could be done.

Mr. TALBOTT. Would that be the procedure, that the Senate must ask for a conference on a disagreement between the two Houses?

The SPEAKER. The Chair, answering that question, would say it is done both ways.

Mr. MORRELL. Mr. Speaker, a parliamentary inquiry. After attaching to this substitute, as was suggested by the Chair, a request for a conference, would not that necessitate a conference between conferees on the part of the Senate and on the part of the House?

The SPEAKER. Not at all. The Senate might grant a conference or the Senate might go ahead and accept the proposition of the House.

Mr. BAKER. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. GAINES], or such additional time as he requires.

Mr. GAINES of Tennessee. Mr. Speaker, it has been settled, sir, that we will inaugurate a President [applause], and I am glad of it. [Applause.] I tried hard to have another selected to be the honored guest on that occasion, but failed. It has been settled also, which I regret, that we are to have as a part of that inauguration an inaugural ball and celebration. Now, I do not believe in inaugurating any President that way. A simple taking of the oath comports with my ideas of an inauguration. But it has been settled that we are to have a ball and certain ceremonies at one of two places; certainly at some place. [Laughter.] These are all facts, gentlemen. We must face the situation as it is.

Now, where is the best place? I think, gentlemen, there is but one place to have this occasion, and that is the place where they have been having it—the Pension Office. [Applause.] If you are going to have the affair as arranged, have it decently and in order. The Capitol is not a proper place to have it. Why, there is always some dancing, Mr. Speaker, and I am satisfied that the distinguished Speaker knows that as well as I do.

A MEMBER. And he will be there.

Mr. GAINES of Tennessee. And the Speaker will be there. Now, where in the world will my friend from North Carolina [Mr. POW] dance in the Capitol? Where would anybody? Now, I speak seriously, where would anybody—

Mr. BURLINSON. In the Dome.

Mr. GAINES of Tennessee. No; they would not at all, and you know it better than anybody. On the Dome the gentleman is an expert. [Laughter.] Mr. Speaker, I do not believe that the Library is a proper place. That is where we are supposed to educate not the feet but the head, and while we may have failed in many instances [laughter], gentlemen, to educate the head, we keep that to ourselves. Let us at least leave the Library for future developments in that respect. If we go there we may injure it; I believe we will. Therefore, gentlemen, the inevitable is presented of going to the Pension Office, and that is why I am going to vote that way. [Applause.]

Mr. MORRELL. Mr. Speaker, I renew my motion.

Mr. BAKER. Mr. Speaker, I believe I have three or four minutes remaining.

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BAKER. Mr. Speaker, it has been said these ceremonies should be carried on in a "regal" manner. If I understand the expression it means kingly. If I understand the meaning of the word "king," it has no application to a republic, and I am opposed to anything being done in this country in a "regal, kingly manner." I want it done in a democratic and simple manner. I am surprised that the great advocate of the "simple life" should have such ardent friends upon this floor demanding that he be inaugurated in a "regal manner."

Mr. SIBLEY. Mr. Speaker, the gentleman will recognize that demand did not come from this side of the Chamber.

Mr. BAKER. I recognize the literal truthfulness of the remark of the gentleman from Pennsylvania; but I also recognize that the sentiment for this inaugural ball, which in my judgment is no part of the inauguration ceremonies and which takes place hours afterwards—in my judgment that demand does come from the supporters of the distinguished gentleman who is to be inaugurated on the 4th day of March, and who, if I remember aright, has said he is not going to recommend the reading of any other book than the Simple Life.

Now, Mr. Speaker, one word more, and that is this: The whole tendency of legislation in the United States is to the creation of special interests through the granting of special privileges. As a result of the creation of these special privileges,

you have enabled a few individuals to become enormously wealthy, wealthy beyond anything that the world has seen before. The natural and inevitable result of this is that the female members of the families who have secured this enormous wealth should want to display their wealth in the most ostentatious manner to demonstrate their superiority over everybody else. Now, it is proposed to hold this ball, which simply gives an opportunity to that class of people to parade their jewels, their gowns, and their finery, so that it can go all over the United States, through the channels of the press, that "Mrs. Tom Jones" attended the Presidential ball, and that she was arrayed in such and such finery; the dress alone is believed to have cost \$5,000 and her jewels to be worth a king's ransom. [Laughter.] And it is proposed to use this magnificent Capitol, the property of all the people, as a medium for advertising this vainglorious and vulgar display of the "Mrs. Tom Joneses" in every community of the United States. [Laughter and applause.]

Mr. MADDOX. Mr. Speaker, I ask unanimous consent to amend the bill by inserting "Pension Office" in lieu of the "Capitol." [Applause.] It is very evident that that is the place for it. I fully agree with the gentleman from Massachusetts in regard to this Capitol, also the Library. The Pension Office is the place, or the Census Office. I understand from reading the newspapers that the committee are very anxious to know what they are to do in respect to this matter. I think we can settle it here this afternoon, by just getting unanimous consent to concur with the Senate in making it the Pension Office; and I ask unanimous consent to make that amendment.

The SPEAKER. The gentleman from Georgia asks unanimous consent to modify the motion by offering to substitute the Pension Office in lieu of the Capitol.

Mr. MORRELL. I object, Mr. Speaker.

The SPEAKER. Objection is made.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I do not know whether this request is in order or not. I would ask unanimous consent of the House that a motion to substitute the Pension Office for the Capitol be considered by the House as in order. I ask this so as to get an expression from the House.

Mr. FOSTER of Illinois. I object, Mr. Speaker.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania, to suspend the rule and pass the bill with the House substitute by way of an amendment.

The question was taken; and the motion was rejected.

BRIDGE ACROSS PEARL RIVER, IN THE STATE OF MISSISSIPPI.

Mr. MANN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill H. R. 15981 as amended.

Mr. THAYER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. THAYER. It seems to me that we ought to dispose of this resolution in some form to-day.

The SPEAKER. That is not a parliamentary inquiry, but an argument.

Mr. THAYER. What I wanted to ask is this—

The SPEAKER. The gentleman from Illinois is recognized. However, if the gentleman thinks he has a parliamentary inquiry, the Chair will hear it.

Mr. THAYER. After that introduction, Mr. Speaker, what I wanted to know was whether it would be a proper motion to be considered to recommit this resolution with instructions to report, in place of the Capitol, the Pension Bureau.

The SPEAKER. The resolution or bill is not even before the House.

Mr. MANN. I ask unanimous consent that the Clerk may read the amendment, which is the whole bill, instead of the original bill.

The SPEAKER. The gentleman asks that the amendment, instead of the bill, be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 15981) to authorize the Mississippi Central Railroad Company to bridge Pearl River, in the State of Mississippi.

Be it enacted, etc., That the Mississippi Central Railroad Company, a railroad corporation duly incorporated and organized under the laws of the State of Mississippi (formerly the Pearl and Leaf Rivers Railroad Company), its successors and assigns, be, and is hereby, authorized to construct and maintain the bridge mentioned in the act approved March 2, 1903, entitled "An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River, in the State of Mississippi," under and subject to the provisions of the said act, provided the actual construction of the bridge therein authorized be commenced within one year and completed within three years from the date of approval of this act.

The SPEAKER. Is a second demanded?

No second was demanded.

The question was taken; and two-thirds (in the opinion of the Chair) having voted in favor thereof, the rules were suspended, and the bill was passed.

WESTERN ALASKAN CONSTRUCTION COMPANY.

The SPEAKER. The gentleman from Maine [Mr. POWERS] is recognized.

Mr. POWERS of Maine. Mr. Speaker, when I asked to be recognized the gentleman from Indiana was not present. I understand the gentleman is now present, and I ask that he be recognized.

Mr. BRICK. Mr. Speaker, I ask that the rules be suspended and that the bill S. 5088 be passed.

The SPEAKER. The gentleman from Indiana asks that the Committee on Territories be discharged from further consideration of the Senate bill, that the rules be suspended, and that the bill do pass. The Clerk will read the bill.

The bill was read, as follows:

A bill (S. 5088) to aid the Western Alaska Construction Company.

Be it enacted, etc., That it shall be lawful for the Western Alaska Construction Company to hereafter operate its railroad in the district of Alaska for a period of five years after the passage of this act without the payment of the license fee of \$100 per mile per annum on each mile operated, as provided in section 29, chapter 1, of the act entitled "An act for making further provisions for a civil government for Alaska, and for other purposes," approved June 6, 1900: *Provided, however,* That this exemption from said license fees is upon the condition that said company shall build at least 10 miles of railroad each year; but if more than 10 miles be built in any one year it shall be credited to the work of the succeeding year.

Mr. ROBINSON of Indiana. Mr. Speaker, I ask for a second.

Mr. BRICK. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana [Mr. BRICK] is recognized for twenty minutes in favor of the bill and the gentleman from Indiana [Mr. ROBINSON] is recognized for twenty minutes in opposition.

Mr. BRICK. I yield five minutes to the gentleman from Maine [Mr. POWERS].

Mr. POWERS of Maine. Mr. Speaker, the bill which has passed the Senate and which we are now considering is identical with one that has been reported from the Committee on Territories of the House. I do not say it was reported unanimously, but I believe it was reported unanimously with but one exception. In my judgment it is a meritorious bill. It calls for no subsidy, it calls for no aid from the Government. There is a corporation which has begun to build a railroad between two places in Alaska, the names of which I will not stop to look up, as I do not now recall them. They are some 50 miles distant from each other. The company has transported to that section of Alaska a million or more dollars' worth of property.

There is a regulation or statute by which all railroads in Alaska pay a hundred dollars a mile tax each year. This is the only standard-gauge railroad in the Territory of Alaska, and they ask, inasmuch as they desire to put in money to build this road, though it can only be constructed at great cost, simply this, that upon condition that they will go on and complete the 50 miles of road at a rate of at least 10 miles a year they may be exempted from this tax of a hundred dollars per mile for a term of five years.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether or not the Government incurs any obligation?

Mr. POWERS of Maine. None whatever. We guarantee nothing. The company has simply asked, as they are building the only standard-gauge road in Alaska, which will be a great benefit to the Territory, and as we all desire to open up Alaska, this small relief from taxation, which will certainly contribute materially to that end. The President, in his message, I think, recommends something of that kind, and you will recall that you passed last year a bill appropriating a certain amount of money to make surveys for wagon roads. Certainly it does seem to me that on condition that they will build 10 miles of standard-gauge road a year for five years they should be exempted from this \$100 tax a mile during that five years. Afterwards, when the five years have passed, they are to pay the tax. As this is the only standard-gauge road there, it seemed to the committee—that is, a majority of them—that it was advisable to encourage the building of such railroads in Alaska by granting the relief.

Mr. BURKETT. I remember hearing something last year of a bill for extending the time of another road. Does this bill exempt all railroads that undertake to build from tax, or does it exempt this special railroad?

Mr. POWERS of Maine. This bill simply applies to this road, and, as I have stated, is the only standard-gauge railroad in Alaska.

Mr. SLAYDEN. Are there any narrow-gauge roads there?

Mr. POWERS of Maine. I think there are, but I do not know how many.

Mr. BURKETT. There are others contemplated?

Mr. POWERS of Maine. I think it is likely.

Mr. BURKETT. If it is a good thing to encourage railroads, why do you not exempt all who wish to build railroads from their taxes while building? I remember at least one or two bills, or possibly more, that went through here last year, extending the time for the beginning of operations, and I suppose they must either begin this year to build railroads or their time will expire again. If they should think they were entitled to this relief, then they will have to have another bill. If this particular railroad shall be exempted from tax because it is going to build, why should not other railroads that are going to build be exempted? In short, if it is a good thing, why not have a general law instead of special acts?

Mr. POWERS of Maine. I will say to the gentleman from Nebraska [Mr. BURKETT] that, as far as I am concerned, I should favor exempting any railroad if they came and asked exemption from taxation for the term of five years, provided they would build 10 miles of standard-gauge and good railroad a year.

Mr. BURKETT. I am not questioning the correctness of the gentleman's position, but why this special bill to relieve this special railroad rather than a general bill to relieve all railroads for five years, if they will build standard-gauge railroad?

Mr. POWERS of Maine. This railroad came to us and presented this case, and we have thought it a meritorious one. None other has done so.

Mr. SLAYDEN. Is this the only consent that was given to the railroad?

Mr. POWERS of Maine. Yes; and if they will go on and build 10 miles of road a year, and 50 miles in five years, I can readily see that, instead of being a loss, there will be a gain. Besides, I think that some real encouragement like this is very proper, indeed, in so far as opening up Alaska is concerned.

Alaska, in my judgment, has many possibilities that we do not really appreciate or know of. We have found that she has been a large producer of gold, and I believe there are vast quantities of lumber there. We know but very little about that country, and when a railroad-corporation comes here and does not ask us to give it a dollar in any shape or manner, and offers to build a road between two points where there should be a road, and the only concession asked is that the company may be excused from paying a hundred dollars a mile tax for five years, on condition that it build at least 10 miles of road a year, I think upon the whole that it is right and proper. I believe the whole committee, with one exception, were of that opinion.

Mr. SLAYDEN. Who assesses the hundred dollars per mile tax?

Mr. POWERS of Maine. I think there is some statute or regulation in reference to Alaska by which railroads are assessed a hundred dollars a mile on every mile that they build. Alaska is very largely a judge-governed country. It has no Delegate on this floor to voice its needs.

Mr. SLAYDEN. May not that tax be necessary to provide ordinary revenues for the Territory?

Mr. POWERS of Maine. Admitting it to be necessary, I am confident that the treasury of Alaska will receive much more money in a short time by the building of this railroad than it would receive if it was not built.

Mr. PALMER. How much does this tax amount to?

Mr. POWERS of Maine. One hundred dollars per mile.

Mr. SLAYDEN. How many miles are constructed now?

Mr. POWERS of Maine. Very little—about 20 miles; but the corporation has contracted for construction and has a large amount of material there.

Mr. SLAYDEN. Twenty miles, at \$100 a mile, amounts to \$2,000 on the road already constructed.

Mr. POWERS of Maine. Yes.

Mr. BURKETT. Is that law that taxes them a hundred dollars a mile a general law on all railroads or on just this one railroad?

Mr. POWERS of Maine. I think there is a statute that taxes all railroads in Alaska \$100 a mile.

Mr. BURKETT. I remember when the matter was up before, but I do not recall anything of that sort. I thought possibly that it was a provision in the franchise of this particular railroad.

Mr. BRICK. I think that is right.

Mr. BURKETT. I think it must be in the franchise of this railroad.

Mr. POWERS of Maine. No; I think it is the general law.

The SPEAKER pro tempore. The time of the gentleman from Maine has expired.

Mr. BRICK. I yield two minutes more to the gentleman from Maine.

Mr. POWERS of Maine. Now, I will repeat, it seems to me that it is desirable to encourage the opening up of Alaska by railroads, and that where a corporation comes here and offers to build 50 miles more road on condition that it be exempted from tax for this short time, it is not asking very much and that it is wise to grant this concession.

Mr. PAYNE. The exemption is only on this 50 miles, is it not?

Mr. POWERS of Maine. I think it is on all of the road.

Mr. PAYNE. Where is this road to be built?

Mr. POWERS of Maine. From Solomon City to some other point.

Mr. PAYNE. We came very near putting a bill through today, which finally went to the Committee on Insular Affairs, to guarantee 4 per cent on bonds in the Philippine Islands to help railroads. I agree with the gentleman that this little thing ought to be done for Alaska.

Mr. SLAYDEN. Is this exemption limited to 50 miles?

Mr. POWERS of Maine. This exemption is limited to the road they build.

Mr. SLAYDEN. And there is no limit on that?

Mr. POWERS of Maine. No; the more they build the more they will have exempted for five years, but the more they will have to pay taxes on after the five years expire.

Mr. SLAYDEN. The form in which the statement was made indicated that possibly the tax was to be remitted on only 50 miles.

Mr. PAYNE. I did not know but they had some road already built.

Mr. SLAYDEN. They have 20 miles built.

Mr. POWERS of Maine. They have 20 miles pretty well constructed.

Mr. PAYNE. It is a small matter, and if it will tend to the development of the country it ought to be encouraged.

Mr. POWERS of Maine. The Senate Committee on Territories unanimously agreed that it was proper, and I believe our committee, with one exception, has reached the same conclusion.

Mr. STEPHENS of Texas. Does this railroad connect the waters of the Pacific with the upper Yukon River?

Mr. POWERS of Maine. It is on the Seward Peninsula.

Mr. MANN. It would be very peculiar if the building of a railroad would make an all-water route.

Mr. STEPHENS of Texas. It is in connection with the Solomon River.

Mr. POWERS of Maine. I was not on the subcommittee and have not the details so much as some other gentlemen who have the bill in charge. But I do think that when a corporation comes from Alaska and asks no subsidy, no guaranty—asks simply that they may be relieved from taxation provided they built a good standard-gauge road, the only standard-gauge road in the Territory, for a certain number of years—that it is not asking very much, and that this House will be pleased to concur with the Senate and grant it the relief.

Mr. SLAYDEN. It is a subsidy to the extent of the remission.

Mr. POWERS of Maine. It is simply a remission of the tax provision. We have only 20 miles of railroad there, and by remitting the taxes we hope to get 50 miles more road and have a larger basis by which we can get more money for the Territory in the near future, and also substantially aid in its development.

Mr. SLAYDEN. Mr. Speaker, I want the gentleman to understand that my questions were not put in mere idleness. I have seen in my own State the evils growing out of exemption of great railway corporations from taxation. One of the greatest railway corporations in the State of Texas for twenty-five years did not pay a penny of taxes to the State, county, or municipality.

Mr. POWERS of Maine. Wasn't that an exemption for a long term of years, or was it for all time?

Mr. SLAYDEN. For twenty-five years.

Mr. POWERS of Maine. This is only for five years, and as Alaska has no Delegate here to look after her interests, I trust that gentlemen will grant the request and pass this bill.

Mr. BRICK. Will the gentleman from Indiana use a part of his time?

Mr. ROBINSON of Indiana. Mr. Speaker, this is a measure to relieve the railroad in Alaska from the payment of taxes of all kinds.

The Alaska government is very much in need of funds. A subcommittee of the Senate visited Alaska and saw the neces-

sity for more money to run that government. Alaska is coming to the United States asking the Treasury to provide for education and for other expenditures for that Territory. A proposition of road promoting has been presented to the House.

In 1900 this House passed the only taxing bill now existing in Alaska, providing a license fee in the form of a license. Under that law, general in its form, railroads are taxed \$100 a mile. Transportation companies in every occupation, from the highest to the lowest, are taxed for the needs of the Alaskan government. This is an effort by piecemeal to tear down that well-considered proposition that raises revenue for that government. It is ill advised, in my judgment, because other companies—the transportation companies and other enterprises for the promotion of Alaska, chaotic as it is and as the conditions are now—make it inadvisable at this time to have a piecemeal revision. Others are not relieved, and they will be clamoring because they are not relieved but are contributing to the needs of Alaska.

If we pass this bill it will be a precedent, for it is a subsidy, in that it relieves them from the payment of all taxation—it relieves them from any taxes.

Under the law passed in 1890, in order the secure revenue breweries are taxed \$1,500 per annum; bowling alleys, \$15; bottling works, \$200 per annum; drug stores, \$50; electric-light plants, \$300; freight and transportation lines propelled by mechanical power, river and lake steamers, \$1 per ton on net tonnage; physicians are taxed \$50; pawnbrokers, \$300; ships and shipping, ocean and coastwise, \$1 per ton per annum, net; steam ferries, \$100 a year; toll roads and trails, \$200 per annum, all adding to the industries of that country. It provides that all moneys received from licenses shall, except as otherwise provided by law, be covered into the Treasury of the United States, under such regulations as the Secretary of the Treasury may provide.

Now, section 3 of the bill introduced by the gentleman from Massachusetts [Mr. LOVERING] provides:

SEC. 3. That no money shall be paid or advanced under the provisions of this act until it shall have been made to appear, to the satisfaction of the Secretary of the Interior, that sections of at least 5 miles of such railroad have been actually constructed in a workmanlike manner, including the proper laying of ties and rails upon the same; and as and when it shall be made to appear to the satisfaction of the Secretary of the Interior that each section of at least 5 miles of such railroad has been so actually constructed in such workmanlike manner, it shall be the duty of the Secretary of the Interior to certify the same to the Treasurer of the United States, and the Treasurer of the United States, upon the receipt of such certificates, shall pay or advance unto the Western Alaska Construction Company, under the provisions of this act, the sum of \$10,000 per mile for each and every mile thereof so actually constructed; but such sums so paid by the Treasurer of the United States shall not exceed the total sum of \$1,000,000 in any one year upon 100 miles of such railroad actually constructed, and in no event shall the total sums of money advanced or loaned under the provisions of this act exceed the sum of \$5,000,000, based upon a total construction of 500 miles of such railroad.

The bill further provides, as follows:

And shall constitute a first lien upon the railroad thus added, including its roadbed, equipment, rolling stock, terminals, and all other property, in favor of the Government of the United States, until all sums so advanced shall have been returned to the Treasury of the United States in lawful money; and all moneys advanced or loaned under the provisions of this act shall become due and payable at the expiration of twenty years after the same shall be loaned; but nothing in this act shall be construed to prevent the repayment of any sums so advanced at any time before the expiration of such period of twenty years.

That was the original proposition which was brought before this House by the bill and is before the committee, providing that in twenty years they shall have a loan of a million dollars, to be repaid at that time.

Mr. BRICK. Mr. Speaker, may I ask the gentleman a question? That is not this railroad, is it?

Mr. ROBINSON of Indiana. No; I am speaking on the general subject of railroads. I say it is in this same bill.

Mr. BRICK. Where is that?

Mr. ROBINSON of Indiana. It is H. R. 13741.

Mr. BRICK. What railroad?

Mr. ROBINSON of Indiana. "To promote railroad transportation in Alaska" is the title of the bill, and it provides that no money shall be paid or advanced until at least 5 miles of such railroad has been actually constructed, and it is not to exceed the total sum of \$1,000,000 in any one year, and that in no event shall the total sum advanced or loaned exceed the sum of \$5,000,000. There is a further provision that it shall be lawful for the Western Alaska Construction Company to operate its railroads in the district of Alaska without the payment of the license fees of \$100 per mile, which is the bill now sought to be passed by the House; and in view of the needs of revenues, this House having sanctioned a uniform license fee in order to raise funds for the Alaskan government, why should we relieve this

particular railroad and not relieve the transporting companies and the vessels doing business along the shores of Alaska?

Mr. BRICK. Mr. Speaker, may I interrupt the gentleman a moment? That bill never was reported to the House.

Mr. ROBINSON of Indiana. No; I am not saying that. But I say that this House must guard itself along the line of promoting by subsidy in any form railroad construction, unless it is ready to enter this system of road and railroad construction in Alaska.

Mr. BRICK. Then I understand the only reason for reading the bill is by way of illustration or as matter of argument. The Committee on Territories never reported that bill, and they really refused to report the bill.

Mr. ROBINSON of Indiana. I am not saying that they refused to report the bill. They have not reported it.

Mr. BRICK. As I understand it, they refused to do so.

Mr. ROBINSON of Indiana. Now, Mr. Speaker, the gentleman who came before us, who was the special agent of the company asking this relief from taxation, made a number of statements in which it was shown that in September of the year before his examination, which was last year, this railroad had carried 1,200 passengers, at from a few cents a mile to as high as 25 cents a mile, and on page 6 of his statement he makes this statement:

We carried a thousand passengers in the month of September. The bill we are going to put before you simply asks for five years' relief.

There is only one tax there and that is the tax of \$100 a mile.

On page 11 the gentleman said:

We have worked three years. We have never asked one thing from the Government. We do not count on it now, although we hope to get it. It is certainly worthy of your consideration.

Mr. W. H. Duvall was the gentleman before our committee, and that was the statement made by him on that subject. Now, in view of the fact that this House, in a well-considered measure, provided only for the license fee to raise revenues for Alaska, and that this is, piecemeal, tearing down in favor of the railroads and not favoring the other industries which are equally burdened and are equally promoting the enterprises there, I think it would be unsafe to grant this relief, and for the further reason that, by whatever name you please to call it, it is a subsidy, and is the entering wedge for relieving that corporation of all taxation absolutely, because there is no property tax, and would be unjust to the other industries. The Senate committee that went there said, "You must get up new means of raising revenue for Alaska. A taxation on the export of gold furnishes a field for more revenue for Alaska, and the salmon fisheries present a field for the raising of more revenue." They further enumerated, in their report made last year, the necessities for more revenue instead of less. In view of these facts, it is a serious question whether an enterprise, which went to Alaska and has already an equipment of 20 miles of railroad, should be relieved from bearing its just burden of the government and making others bear that burden. It seems to me, Mr. Speaker, that entering the domain of providing a subsidy in any form, except by keeping along the well-regulated lines of giving them lands by the checkerboard or any other system, is ill advised. For that reason I present the question to the House, and ask that the House refuse to grant this unreasonable boon to that corporation.

Mr. Speaker, I reserve the balance of my time.

Mr. BRICK. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. THAYER], or more time if he desires.

Mr. THAYER. Mr. Speaker, the Committee on Territories, which had this matter in charge, gave extended hearings to those interested in this construction company. I think we all, including the gentleman from Indiana, came to the conclusion that that committee representing the company were perfectly sincere and were not out for the purpose of asking for anything they did not deserve. They were not a stock-jobbing concern, but people in large measure from New York who had gone up to Alaska and agreed to put in \$1,000,000 in building a little railroad there about 52 miles in length. They had built about 21 miles and found it was so very expensive to build a road up there that they asked to be relieved from this tax or license fee of \$100 a mile for the remaining course of about 40 miles.

To illustrate that, Mr. Speaker, I have only to say it costs to get freight up there between three and four hundred dollars a ton, which at once you can see is out of all proportion as compared with the ideas we usually have for transportation. They pay 30 cents a tie at Seattle, and it costs them a dollar when they get it up there, purely by reason of the extra expense of freight. Now it seemed to us that if this road was built it would be a great advantage to the people of Alaska. It would

open up from the river up to the interior, where the freight would be reduced many times, and the result would be it would be of immense value to those who have interests there. Now, I think I am as much opposed to granting subsidies to railroads or to shield railroads from contributing their just share of taxation as any ordinary man, but it did not seem to me what they asked was anything unusual, anything wrong, or done with the purpose of getting anything out of the Government.

They found in building that road it has cost much more than they thought it would and many times what it cost to build a railroad in ordinary places. They were willing to put in over \$1,000,000 of money—their indebtedness was only about \$200,000—to build 52 miles of road, and if they could be relieved from paying this tax or license of a hundred dollars per mile they would go on and build that road within the next few years, and it seemed to the committee—the entire committee I think—that it was very proper that they should make this demand and very proper that we should grant it. I do not remember Mr. Duvall stating that he was asking something he thought he would not receive, as the gentleman from Indiana thinks he did state. If he did it was probably because he was aware he was before a very conservative committee that would look and see if there were any cats in the meal anywhere. Now, there was not one of the committee who did not believe that this was an honest company which, if relieved from a hardship which was almost impossible for them to bear, would construct this little road over this 52 miles. I hope the bill will pass.

Mr. BRICK. Mr. Speaker, how much time have I remaining?

The SPEAKER. What time did the gentleman use himself in opening debate?

Mr. BRICK. I used no time.

The SPEAKER. The gentleman has ten minutes remaining.

Mr. BRICK. I yield five minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, this is an exceptional case if there ever was one. These men propose to construct a railroad on the Seward Peninsula in Alaska from a point 35 miles from Nome, running along the Solomon River to Council City, a distance of about 50 miles. They have found it extremely difficult to build. The road has to be laid upon an icebound foothold which never thaws. The season is very short and there are only four months in the year in which to construct this road, and after it is constructed there are only four months in the year in which it can be operated. The Western Alaskan Construction Company came and asked for a very slight concession here. It is very necessary that they should have it, because they have already put a million dollars up there in the way of a road and in the way of material. They are losing the interest on that, and when they undertake to reckon any income at present it is absolutely on the other side of the account. They have nothing to speak of, nor will they have until the road is completed up to Council City.

The development of Alaska is more dependent upon the railroads than upon anything else in the world, and railroads are as good as money itself to the country, for they will open up the Territory; they will open up and develop property that must yield enormous revenue eventually to the Government, and the sooner the railroads are built, the sooner that revenue will begin to accrue.

The gentleman from Indiana [Mr. ROBINSON] has cited facts that are irrelevant, in my judgment—saying that there is so much tax on breweries, and so much tax on saloons and billiard rooms and that sort of thing—and gives that as a reason why railroads should be taxed. These breweries, saloons, and billiard rooms are not necessary to the development of the country, but railroads are necessary to its development. There is enormous mineral wealth there, and this wealth can only be brought out of the ground and into use by railroads. These men have the entire equipment of their road there ready to lay down, and they have only been able to lay about 10 miles a year, and they have only four months in each season in which to do that.

Mr. Speaker, I think it is apparent to the Members of this House that they are granting a very small favor in passing this bill.

The SPEAKER. Does the gentleman from Indiana desire to consume any more time?

Mr. BRICK. I would like to ask my colleague if he wishes to occupy any more of his time.

Mr. ROBINSON of Indiana. Is the gentleman going to have a speech to close?

Mr. BRICK. I may say something myself.

Mr. ROBINSON of Indiana. I have nothing further to offer. I have no call for time.

Mr. BRICK. I will ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROBINSON of Indiana. I call for a division, Mr. Speaker.

The House divided; and there were—ayes 70, noes 12.

So (two-thirds having voted in favor of the motion) the rules were suspended and the bill was passed.

The SPEAKER. The bill H. R. 13744, being a similar bill, now on the House Calendar, will, without objection, lie on the table. There was no objection.

AMERICAN RAILWAY APPLIANCE EXHIBITION.

Mr. MORRELL. Mr. Speaker, I move to suspend the rules and call up Senate joint resolution 79, which I have been instructed by the Committee on the District of Columbia to call up, instead of the House joint resolution 160. The resolution has already been read before the House and passed through the committee, and I would like to have it called up.

Mr. MANN. Mr. Speaker, I ask for a second.

The SPEAKER. The Clerk will report this joint resolution by its title.

The Clerk read as follows:

Joint resolution (S. R. 79) granting the temporary occupancy of a part of the Government reservation in Washington, D. C., for the American Railway Appliance Exhibition.

Mr. PAYNE. I would like to submit an inquiry to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania says that this is a similar bill to the House bill, that the bill has already been read before the committee at a former sitting, and asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. PAYNE. Right there, reserving the right to object, I would like to ask the gentleman if he has incorporated in that bill the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], or if he will do so?

Mr. MORRELL. If it is not incorporated, I will have it incorporated.

Mr. PAYNE. I will ask the gentleman to incorporate that.

Mr. MORRELL. All right, sir; I will.

The SPEAKER. The gentleman, then, modifies his motion, and as the Chair understands, the motion will be to suspend the rules and pass the Senate bill with an amendment.

Mr. MANN. I do not know when the parliamentary status will be reached, but when that point is reached I wish to demand a second.

The SPEAKER. That time has not arrived yet. Has the gentleman from Pennsylvania or the gentleman from New York the amendment referred to?

Mr. PAYNE. I have not the amendment.

Mr. MORRELL. The amendment was attached to the bill at the Clerk's desk.

Mr. PAYNE. Mr. Speaker, I withdraw my suggestion to the gentleman from Pennsylvania. I find that is another bill.

The SPEAKER. The gentleman withdraws his objection, and the motion will operate upon the Senate bill. The gentleman from Illinois demands a second. Is unanimous consent given that a second be considered as ordered? The Chair hears no objection. The gentleman from Pennsylvania [Mr. MORRELL] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. MORRELL. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, as the gentleman from Pennsylvania [Mr. MORRELL] declines to explain to the House the nature of his bill, it is incumbent upon me to take my time for that purpose.

This bill is a bill proposing to give for private exhibition purposes a portion of the Washington Monument grounds lying between the Washington Monument and the Executive Mansion—that is, at the intersection of B street and Fourteenth street, on the northerly side of the Washington Monument grounds.

Mr. SLAYDEN. Between that and the Corcoran Art Gallery?

Mr. MANN. Between B street and the Washington Monument:

Use of the public reservation fronting on the south side of B street, between Fourteenth street and Sixteenth street.

This authority is granted to the American Railway Appliance Exhibition.

It is the intention to hold an international railway congress in Washington, I think, in May next. Some of the manufacturing establishments of the country who are associated as the

Railway Appliance Exhibition desire to have at the same time an exhibition of railway appliances, and for this purpose they ask permission to make use of that Washington Monument lot between the dates of March 20 and May 25. This is the same proposition which was before the House on Friday last, when I raised a point of no quorum.

Mr. Speaker, I am very strenuously opposed to the passage of any bill of this character for the reasons which I then stated, and which I may state briefly now. We have had a debate this afternoon which illustrates the effect of the passage of a bill like this. If it were a new proposition to grant the use of the Pension or any other public building for the inaugural ball in this city, the proposition would not be entertained favorably by one-tenth of the Members of this House.

Now, here is the entering wedge wherein they propose to commence to grant to exhibitions and expositions, conventions and congresses, which convene in Washington the use of a portion of the public-park system. In my own city of Chicago, which I have the honor in part to represent, in addition to the great public parks which we have there, the citizens are to-day, through their proper authorities, spending millions of dollars of money for the creation of what they call "small parks," playgrounds for the children, and convenient for the purposes for which they are designed.

The Washington Monument grounds ought to be preserved as a public park, free from spoliation by anybody. All of the parks in Washington, in my judgment, ought to be preserved for park purposes, and not for exhibition purposes; and if this bill becomes a law, granting to these very worthy and very estimable gentlemen engaged in a laudable purpose the right to use this park for exhibition purposes, Congress will not be able in the future to refuse to follow the precedent and give to any other convention or exhibition that comes along the right to use a public park.

And, Mr. Speaker, of all the public parks in Washington which ought not to be used in such a way, this is the principal one; right at the base of the Washington Monument, right between the Washington Monument and the Executive Mansion.

I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Is there any provision in this bill for the licensee to restore the grounds, after he has used them, to their original status?

Mr. MANN. I see that there is such a provision in section 5 of the bill. I reserve the balance of my time, Mr. Speaker.

Mr. GAINES of Tennessee. Is there any security given with that?

Mr. MANN. The gentleman from Pennsylvania [Mr. MORRELL] can answer that in his time better than I can in mine.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman in charge of the bill what security is to be given in this bill by this company to restore the grounds after they have been used?

Mr. MORRELL. I understand on looking over the bill that there is no provision for such security, and I would be willing to accept an amendment embodying a provision that such security shall be given before the use of the grounds is allowed.

Mr. GAINES of Tennessee. I would state, Mr. Speaker, if the gentleman will yield to me for just a moment, that in the arrangement for the St. Louis Exposition grounds, there was a provision by which the exposition company placed a large sum of money aside for the purpose of restoring the grounds and making them exactly as they were when the exposition concern took charge of them. Certainly such a provision ought to be made here if this bill is to pass.

Mr. MORRELL. I will state to the gentleman from Tennessee that I overlooked section 5, which provides that—

The said general committee shall also, by proper bond, approved by said Commissioners, save the District of Columbia harmless from any claims for damages arising in any manner from their occupation of public space under this act.

Mr. GAINES of Tennessee. Now, if the gentleman will yield just a little bit further—

Mr. MORRELL. Yes.

Mr. GAINES of Tennessee. That language does not exactly cover what I have in mind. The authorities might decide that there has been no damage. In other words, that great deep sink holes dug in the ground, and changes of that kind, do not constitute an actual damage, when we know that it would be a damage to the appearance of the grounds and to public safety. There ought to be a provision requiring them to put the ground back into the same condition in which they find it.

Mr. MORRELL. If the gentleman will draft an amendment of that kind to the section, I shall be glad to accept it and ask that it be incorporated in the bill.

Mr. GAINES of Tennessee. I will draft the amendment and submit it to the gentleman from Pennsylvania.

Mr. MORRELL. Mr. Speaker, I have examined the amendment drawn by the gentleman from Tennessee and I accept it.

The SPEAKER. The gentleman can not accept an amendment under a motion to suspend the rules. Unanimous consent may be given to offer the amendment, and as the Chair supposes that is the intention of the gentleman, the Chair will direct the Clerk to report the amendment.

The Clerk read as follows:

Insert at the end of the act the following words: "And for the restoration of the grounds to their original condition."

So that it will read:

Save the District of Columbia harmless from any claim for damages arising in any manner from their occupation of public space under this act, and for the restoration of the grounds to their original condition.

The SPEAKER. Is there objection to modifying the motion to suspend the rules so as to let the motion cover the amendment as well as the Senate bill?

Mr. MANN. Mr. Speaker, because I think the bill is too bad to be perfected by one amendment, although it is a good one, I object. Does the gentleman wish to use any more of his time at present?

Mr. MORRELL. Mr. Speaker, I think the House has been sufficiently inflicted by me as far as this bill is concerned, and as I have no particular desire to hear the sound of my own voice I do not care to consume any more of my time.

Mr. MANN. I yield to the gentleman from Georgia [Mr. MADDOX] such time as he desires.

Mr. MADDOX. Mr. Speaker, I shall not take up any very great length of time, except to concur with the gentleman from Illinois [Mr. MANN] that we are about to establish a precedent now, as we have done in a great many other cases, a precedent to which there will be no end; and, as suggested by the gentleman from Texas sitting beside me [Mr. BURLESON], a dangerous and far-reaching precedent. I think now is a good time to stop it. Being opposed to it, I propose to take advantage of every honorable method to defeat the bill. One of those methods is to require the presence of about 190 men to pass the bill according to law.

The SPEAKER. As many as favor suspending the rules and passing the bill—

Mr. HILL of Connecticut. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. HILL of Connecticut. I should like to call the attention of Members, so that we may vote understandingly, to the fact that in the second line of the bill authority is granted—

under such restrictions as the Secretary of War may deem necessary.

So that it will be entirely possible for him to prescribe that the grounds shall be restored to their original condition, if he sees fit to do so. But you must trust entirely to the discretion of the Secretary in that respect.

Mr. MANN. I yield three minutes more to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. I quite agree with my friend from Illinois [Mr. MANN] and my friend from Georgia [Mr. MADDOX] that we should not pass this bill. We are suffering to-day from doing something that we ought not to have done at first, as the gentleman from Illinois [Mr. MANN] has very well said. We are setting a precedent for doing what? For putting a manufacturing concern of some sort, an exhibition—where? Right under the shadow of the Washington Monument and hard about the shades of the White House. People go to look at the Washington Monument—as they should do—from all over the world, and the very first thing they would see is this building, and they would say, "Well, what sort of a manufactory have you right at the base of the Washington Monument? Did Washington have anything to do with this?" How can you associate that sublime structure, that magnificent monument, with a lot of great shrieking machinery on one side of that sacred shaft? Why, Mr. Speaker, I would as soon think of putting a locomotive shop in a graveyard as to think of placing this building within the precincts, the sunshine and shadows, of that shaft that marks the memory of the Father of our Country.

I am surprised that the gentleman from Pennsylvania, who is so industrious, so patriotic, who is an honor to his State on stated occasions [laughter], with his tight clothes, and his long epaulets, and his shining sword, and his great captivating Napoleonesque hat [laughter], should come here, Mr. Speaker, and propose this outrage, putting this building within the sunshine and the glory of the precincts about that magnificent Monument; of having a lot of shrieking, whistling, smoking machinery and greasy men laboring around about that place. [Laughter.]

Mr. MORRELL. Mr. Speaker, I feel that I must at least pay the compliment to the gentleman from Tennessee of thanking him for the charming picture which he paints of me, one which, of course, will go down now to history, having been said by the gentleman upon whom Tennessee relies.

I remember a verse that appeared not long ago in one of the papers published in the District, which went something like this:

JOHN WESLEY GAINES, JOHN WESLEY GAINES,
Thou of stupendous brains;
Tennessee on thee relies,
JOHN WESLEY GAINES.

[Laughter and applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I have heard the gentleman from Pennsylvania accused of everything in the world but having "stupendous brains." [Laughter.]

Mr. MORRELL. No; thank God! Never in that vein. [More laughter.]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and in the opinion of the Chair, two-thirds not having voted in the affirmative, the motion was lost.

ENROLLED BILLS.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bill:

H. J. Res. 176. A joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month; and

H. R. 14468. A bill to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the consideration of letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for a corps of student interpreters in Japan and Korea, and the same was referred to the Committee on Foreign Affairs.

ADJOURNMENT.

And then, on motion of Mr. PAYNE (at 4 o'clock and 30 minutes), the House, under its previous order, adjourned until Wednesday next at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for steam light-house tender for Hawaiian waters—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Chief Clerk of the House of Representatives, submitting an estimate of appropriation for deficiencies in the account of expenses of special and select committees—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for rebuilding the superstructure of the light-house at Horseshoe Reef—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting the annual report of the Director of the Bureau of the American Republics—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Chairman of the Interstate Commerce Commission, transmitting the eighteenth annual report of the Commission—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a statement of the condition of the work of construction of public buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for a keeper's dwelling and boathouse at the light station at Sunken Rock, St. Lawrence River, New York—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of an oil house at Point Reyes (California) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for an oil house at the Point Arena (California) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for a brick oil house at Piedras Blancas (California) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of a light-house tender for the twelfth light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation to reconstruct the range lights and fog-signal house at East Superior, Wis.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for repairs of range lights in the channel entering the harbor at Toledo, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for construction of keeper's dwelling at the Genesee (New York) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for site and construction of a keeper's dwelling at Black River (Ohio) light station—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for repairs to the light-house tender *Manzanita*—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for a site for an addition to the Washington post-office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for continuing the construction of the United States penitentiary at Atlanta, Ga.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, transmitting, with a letter from the Commissioner of the United States on the International Prison Commission, a report on the subject of tuberculosis—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting the report of the auditors of Porto Rico on receipts and expenditures from November, 1903, to October, 1904—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report of the receipts and disbursements by the treasurer of Porto Rico from November, 1903, to October, 1904—to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BONYNGE, from the Committee on Patents, to which was referred the bill of the House (H. R. 16560) to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, reported the same without amendment, accompanied by a report (No. 3147); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16602) granting a pension to Gertrude L. Tallman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16227) granting an increase of pension to John Morrison—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16760) for the relief of William Edward Bailey—Committee on Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 16727) to pay heirs of John Sevier, sr., for certain military services rendered to the United States by said John Sevier, sr.—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13368) to pension army teamsters—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SCARBOROUGH: A bill (H. R. 16781) to make an additional appropriation for post-office and court-house building at Florence, S. C.—to the Committee on Public Buildings and Grounds.

By Mr. TAWNEY: A bill (H. R. 16782) to amend the internal-revenue laws—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: A bill (H. R. 16783) granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas—to the Committee on Rivers and Harbors.

By Mr. SOUTHWICK: A bill (H. R. 16784) to give the United States Marine Corps the same pay as the Ordnance and Engineer Corps of the United States Army receive—to the Committee on Naval Affairs.

By Mr. GILLET of Massachusetts: A bill (H. R. 16785) to enable the Secretary of the Treasury to extend, enlarge, and improve the post-office and custom-house building at Springfield, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 16786) for the erection of a public building at Chippewa Falls, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HINSHAW: A bill (H. R. 16787) to give each soldier of the civil war a land warrant—to the Committee on the Public Lands.

By Mr. MORGAN: A bill (H. R. 16788) for the erection of a public building at Ironton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. BASSETT: A bill (H. R. 16789) for the prevention of fire from electrical apparatus on steam vessels carrying passengers—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: A bill (H. R. 16790) making Norwalk, Conn., a subport of entry—to the Committee on Ways and Means.

By Mr. BRICK: A bill (H. R. 16791) establishing regular terms of the United States circuit and district courts at South Bend, Ind.—to the Committee on the Judiciary.

By Mr. RODEY: A bill (H. R. 16792) providing that all contributions exceeding \$50 in amount hereafter made to the expenses of political parties at elections where Presidential electors and Representatives or Delegates in Congress are chosen shall be reported to the clerk's office of the district court of the United States or Territory for the district in which the donors reside, and for the publication of such reports—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, a bill (H. R. 16793) to amend section 1854 of the Revised Statutes of the United States, restricting appointments to office of members of the legislative assemblies in Territories—to the Committee on the Territories.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16794) providing for an additional appropriation for the public building at Flint, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 16795) authorizing the appeal of a test case from the citizenship court of the Indian Territory to the circuit court of appeals of the eighth circuit at St. Louis and to determine the legal status of intermarried citizens and their descendants—to the Committee on Indian Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 16796) to provide for the further construction of locks and dams on the Cumberland River, and making appropriations therefor—to the Committee on Rivers and Harbors.

By Mr. HOWELL of New Jersey: A bill (H. R. 16797) for the purchase of a post-office building at Asbury Park, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Minnesota: A bill (H. R. 16798) authorizing and directing the Secretary of the Interior to sell certain tracts of land in the counties of Wabasha and Dakota, State of Minnesota, which have been allotted to certain Indians and to purchase for said Indians or their heirs other lands in lieu thereof—to the Committee on Indian Affairs.

By Mr. TAWNEY: A bill (H. R. 16799) making Texas City, Tex., a subport of entry in the customs collection district of Galveston—to the Committee on Ways and Means.

By Mr. CONNELL: A bill (H. R. 16800) to regulate the immigration of aliens into the United States, its Territories, possessions, and the District of Columbia—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 16801) to prevent the naturalization of anarchists, and so forth—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: A bill (H. R. 16802) to authorize the Commissioners of the District of Columbia to enter into contract for the collection and disposal of garbage, ashes, and so forth—to the Committee on the District of Columbia.

By Mr. MEYER of Louisiana: A bill (H. R. 16803) for the advancement of officers of the Navy below the rank of rear-admiral—to the Committee on Naval Affairs.

By Mr. DIXON: A bill (H. R. 16804) to amend article 1, chapter 1624, Statutes of the United States of America, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana, and making appropriations to carry the same into effect"—to the Committee on Indian Affairs.

Also, a bill (H. R. 16906) to amend section 12, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment"—to the Committee on Indian Affairs.

By Mr. BRICK: A concurrent resolution (H. C. Res. 66) for the publication and binding of 6,000 copies of the Biography of the Signers of the Declaration of Independence, 4,000 for use in House, 2,000 for Senate—to the Committee on Printing.

By Mr. LOVERING: A concurrent resolution (H. C. Res. 67) directing the Secretary of War to cause an examination and survey to be made and to submit the cost of building a sea wall at Hull, Mass.—to the Committee on Rivers and Harbors.

Also, a concurrent resolution (H. C. Res. 68) directing the Secretary of War to cause an examination and survey to be made and estimate submitted of the cost of restoring Green Harbor, at Marshfield, Mass., to meet the demands for a harbor of refuge—to the Committee on Rivers and Harbors.

Also, a concurrent resolution (H. C. Res. 69) directing the Secretary of War to cause an examination and survey to be made and estimate the cost of improving the harbor at Wareham, Mass., to meet the demands of commerce—to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: A concurrent resolution (H. C. Res. 70) relative to the collection of war statistics—to the Committee on Labor.

By Mr. SHEPPARD: A resolution (H. Res. 405) to expedite the distribution of public documents in the House folding room—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 16805) granting a pension to Fred A. Bird—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 16806) granting a pension to Mariam T. Shreve—to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 16807) granting an increase of pension to E. C. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16808) granting an increase of pension to A. J. Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16809) granting an increase of pension to Patrick Colter—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16810) granting an increase

of pension to Christian White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16811) granting an increase of pension to Thomas Blyth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16812) granting an increase of pension to William H. Nix—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16813) granting an increase of pension to Laura A. Hinkley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16814) granting an increase of pension to William S. Lyon—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 16815) granting an increase of pension to Michael L. Essick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16816) granting a pension to Matilda Merck Goodrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16817) granting a pension to B. Annie Hughes—to the Committee on Invalid Pensions.

By Mr. BROWN of Wisconsin: A bill (H. R. 16818) granting an increase of pension to Levi Fleming—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 16819) for the relief of the estate of Harriet G. Woods, deceased, late of Hawkins County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 16820) granting an increase of pension to Elkanah M. Wynn—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 16821) to fix the grade on the retired list of Col. James W. Powell, United States Army—to the Committee on Military Affairs.

By Mr. CLARK: A bill (H. R. 16822) granting an increase of pension to George W. Simon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16823) granting an increase of pension to Peter M. McNelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16824) granting an increase of pension to John L. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16825) granting an increase of pension to W. H. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16826) granting an increase of pension to James Leavy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16827) granting a pension to Lizzie Hunter—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 16828) granting an increase of pension to James Spaulding—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 16829) granting an increase of pension to James Reeder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16830) granting an increase of pension to James S. Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16831) granting an increase of pension to Isaac Hanks—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 16832) granting an increase of pension to William Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16833) granting an increase of pension to Susan R. Lovell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16834) granting an increase of pension to Thomas Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16835) granting a pension to Mary E. Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16836) granting an increase of pension to Henry Chubb—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 16837) granting an increase of pension to Frances J. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16838) granting an increase of pension to John Shelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16839) granting an increase of pension to Philo N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16840) granting an honorable discharge to James M. Rogers—to the Committee on Military Affairs.

By Mr. DAVIS of Florida: A bill (H. R. 16841) for the relief of the heirs of Andrew E. Hodges, deceased, late of Florida—to the Committee on War Claims.

By Mr. DE ARMOND: A bill (H. R. 16842) granting an increase of pension to Lydia P. Kelly—to the Committee on Pensions.

Also, a bill (H. R. 16843) granting an increase of pension to Henry Mountz—to the Committee on Invalid Pensions.

By Mr. DRESSER (by request): A bill (H. R. 16844) referring the claim of the legal representatives of George Chorpennig, deceased, against the United States to the Court of Claims—to the Committee on Claims.

By Mr. DWIGHT: A bill (H. R. 16845) granting an increase

of pension to Orion B. Stone—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 16846) granting a pension to Henry Langley—to the Committee on Pensions.

By Mr. FLACK: A bill (H. R. 16847) granting a pension to Carrie F. W. Durkee—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 16848) granting a pension to Ellen F. Fahey—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16849) granting a pension to E. H. Holden—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 16850) to correct the military record of William Hommelsberg—to the Committee on Military Affairs.

Also, a bill (H. R. 16851) granting an increase of pension to Ephraim Marble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16852) granting an increase of pension to William H. Etts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16853) granting a pension to Alfred Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16854) granting a pension to De Witt C. Foreman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16855) granting a pension to Thomas Watt—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16856) granting an increase of pension to Nathaniel T. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16857) granting a pension to Henry Dillard—to the Committee on Invalid Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 16858) granting an increase of pension to Myron G. Watrous—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 16859) granting an increase of pension to James Shaw—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 16860) granting an increase of pension to Edwin A. Kennedy—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 16861) granting an increase of pension to Mary L. Walker—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 16862) granting an increase of pension to Samuel Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16863) granting an increase of pension to Francis M. Ross—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16864) granting an increase of pension to George M. Tuley—to the Committee on Pensions.

By Mr. HINSHAW: A bill (H. R. 16865) granting an increase of pension to John W. McCauley—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 16866) granting a pension to Elizabeth H. Nicholls—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 16867) granting a pension to Deborah W. Annable—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16868) granting an increase of pension to Isaiah E. Mehring—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 16869) granting a pension to William O. Pierce—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 16870) granting an increase of pension to Milton M. Boggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16871) granting an increase of pension to Melvin J. Lee—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 16872) granting an increase of pension to Fannie M. Bristol—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 16873) granting an increase of pension to Frederick Swett—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 16874) granting an increase of pension to Reuben Terry—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16875) granting an increase of pension to Simon A. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16876) granting an increase of pension to Samuel Nicholas—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16877) granting an increase of pension to Samuel Grimes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16878) granting an increase of pension to William Spriggs—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 16879) granting a pension to William H. Brown—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16880) for the relief of the estate of Thomas Walters—to the Committee on War Claims.

By Mr. RODEY: A bill (H. R. 16881) for the relief of the heirs of Harry A. E. Pickard—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 16882) for the relief of Francisco Armijo—to the Committee on War Claims.

Also, a bill (H. R. 16883) granting an increase of pension to James T. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16884) granting an increase of pension to Sebastian Maxsam—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 16885) granting an increase of pension to James Cronwhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16886) granting an increase of pension to William C. Scofield—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16887) granting an increase of pension to James Loudon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16888) granting a pension to Charles E. Benson—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16889) granting an increase of pension to Oregon Boughner—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16890) granting an increase of pension to Philander G. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16891) granting an increase of pension to Charles Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16892) granting an increase of pension to George W. Hoynes—to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 16893) to relieve James Faerly (or Farley) from the charge of desertion—to the Committee on Military Affairs.

By Mr. SPERRY: A bill (H. R. 16894) granting an increase of pension to Jeremiah Conner—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 16895) granting a pension to Wilnot Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16896) granting an increase of pension to Thomas Reynolds—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16897) granting a pension to Mary Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16898) granting an increase of pension to Stephen B. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16899) granting a pension to Margaret S. Sturges—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 16900) for the relief of James Welch—to the Committee on Claims.

By Mr. VREELAND: A bill (H. R. 16901) granting an increase of pension to Mary E. Olmsted—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 16902) to release William H. Flaherty, of New York City, from a portion of his liability as contractor for the light-house in the Chesapeake Bay, near the mouth of the Craighill channel, to be known as the Baltimore light-house—to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 16903) to amend the military record of Robert J. Wallace, late of Company C, Twenty-eighth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 16904) granting a pension to Louis Sherard—to the Committee on Pensions.

By Mr. WRIGHT: A bill (H. R. 16905) to correct the military record of George J. Johnson, Company B, Fortieth New Jersey Volunteer Infantry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Merchants and Manufacturers' Association, of Pittsburg, Pa., in favor of pneumatic-tube service—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Resolution of Stonecutters' Association of Buffalo, N. Y., opposing the substitution of granite for Ohio sandstone in the Cleveland Federal building—to the Committee on Public Buildings and Grounds.

By Mr. BOUTELL: Affidavits to accompany bill for relief of Felix G. Stidger—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of citizens of Richardson County, Nebr., for prohibition of intoxicating liquors in Indian Territory statehood bill—to the Committee on the Territories.

By Mr. BURLEIGH: Resolution of Lamoine Grange, No. 264, in favor of establishing a Bureau of Public Highways—to the Committee on Agriculture.

By Mr. BURTON: Petition of Edward A. Williams and Walter E. Bennett, of Cleveland, Ohio, in favor of granting further powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. Schmitt and 4 other citizens of Cleveland, Ohio, in favor of granting further powers to Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. E. Cornell and 14 other citizens of Cleveland, Ohio, in favor of restriction of liquor traffic—to the Committee on Ways and Means.

By Mr. CAPRON: Papers to accompany bill H. R. 15914, granting an increase of pension to David A. Carpenter—to the Committee on Pensions.

Also, petition of the Woman Suffrage League, of Pawtucket, R. I., against restriction of suffrage in Arizona and Oklahoma on account of sex—to the Committee on the Territories.

Also, resolution of the Building Trades Council of Pawtucket, R. I., in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CASSINGHAM: Papers to accompany bill H. R. 16332, for relief of Herbert O. Kohr, granting him a pension—to the Committee on Pensions.

By Mr. CURTIS: Resolution of the local union of United Mine Workers of America of Leavenworth, Kans., in favor of bill H. R. 89—to the Committee on the Judiciary.

Also, resolution of Helpers' Division Lodge No. 9 of the Brotherhood of Boiler Makers, of Horton, Kans., in favor of ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Lodge No. 34, of the Brotherhood of Boiler Makers, of Topeka, Kans., in favor of ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Typographical Union of Atchison, Kans., in favor of the eight-hour bill—to the Committee on Labor.

By Mr. CUSHMAN: Resolution relating to the right of Alaska to representation in Congress—to the Committee on the Territories.

By Mr. DALZELL: Resolution of the Oakland Board of Trade, Pittsburg, Pa., relative to river improvements—to the Committee on Rivers and Harbors.

By Mr. DAVIS of Minnesota: Papers to accompany bill H. R. 11810, for a public building at Red Wing, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: Petition and affidavits relative to the matter of John Hood v. The United States—to the Committee on Claims.

By Mr. DOUGLAS: Petition of Hon. Seth Low and others, asking that provisions be made for such collection of statistics of and relating to marriage and divorce as shall bring the report on this subject which was made by the Department of Labor under an act of March, 1887, down to the latest practicable date—to the Committee on the Census.

By Mr. FINLEY: Petition of Henry Langley, praying for relief by special pension legislation—to the Committee on Pensions.

By Mr. FITZGERALD: Resolution of the United Confederate Veterans, favoring legislation to provide for the care of the graves of Confederate soldiers in Northern States—to the Committee on Military Affairs.

By Mr. FLOOD: Petition asking the passage of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Michigan: Papers to accompany bill for relief of William H. Etts—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Thomas Watt—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Lemuel S. Ranney—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Ephraim Marble—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: Petition asking for legislation increasing pension of John Hart, of Fayette, N. Y.—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Papers to accompany bill (H. R. 16750) for the relief of Charles Uerkvitz—to the Committee on Claims.

By Mr. HAMLIN: Papers to accompany claim of Joseph J.

Bodenheimer, Company E, Seventy-second Regiment Missouri Militia—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of the Methodist Episcopal Church of Waitsfield, Vt., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. HAY: Petition of citizens of Virginia, in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: Petition of citizens of Vincennes, Ind., asking for the enactment into law of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of South Omaha Live Stock Exchange, favoring the enactment of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: Petition of the Poquet Motor Company, of Westport, Conn., favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HINSHAW: Petition of the C. C. Cobb Company, of York, Nebr., in favor of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Resolution of the Nebraska Bankers' Association, in favor of reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. KINKAID: Petition of citizens of Nebraska, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. KNAPP: Papers to accompany bill H. R. 15855, granting increase of pension to Loren T. Austin—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 16417, granting increase of pension to Silas I. Baker—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Resolution of General John Sedgwick Post, No. 37, Grand Army of the Republic, of York, Pa., requesting the passage of bill H. R. 6506, granting a pension to Samuel B. Gray—to the Committee on Invalid Pensions.

Also, resolution of Corporal Skelly Post, No. 9, Grand Army of the Republic, of Gettysburg, Pa., urging passage of bill H. R. 16683, granting a pension to Jesse Peters—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolution of United Confederate Veterans of New Orleans, La., requesting that Congress take appropriate action looking to the care and preservation of the graves of the Confederate dead—to the Committee on Military Affairs.

By Mr. LITTAUER: Papers to accompany House bill granting increase of pension to Fannie M. Bristol—to the Committee on Invalid Pensions.

By Mr. MACON: Papers in support of bill granting an increase of pension to Reuben Terry—to the Committee on Pensions.

By Mr. McMORRAN: Petition of citizens of Michigan, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Michigan, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. MEYER of Louisiana: Petition of citizens of Louisiana, in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. MIERS of Indiana: Papers to accompany House bill to increase the pension of Simon A. Snyder—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers to accompany bill granting an increase of pension to Samuel Grimes—to the Committee on Invalid Pensions.

Also, petition of citizens of Jackson, Ohio, asking for an increase of pension for William Spriggs—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 10704—to the Committee on Claims.

By Mr. MURDOCK: Petition for remedial legislation in freight tariffs—to the Committee on Interstate and Foreign Commerce.

Also, petition of millers of Canton, Kans., in favor of the Loving bill—to the Committee on Ways and Means.

Also, petition of citizens of Macksville and Stafford County, Kans., relative to the word "sex" in the statehood bill—to the Committee on the Territories.

Also, petition of millers of Wichita, Kans., in favor of the Loving bill—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of heirs of William Loughridge, deceased, late of Washington County, Md., praying reference of war claim to the Court of Claims for use of his farm during the war of rebellion for \$2,300—to the Committee on War Claims.

Also, petition of heir of Bridget Knott, deceased, late of Montgomery County, Md., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William T. Walters, of Poolesville, Montgomery County, Md., administrator of the estate of Thomas Walters, deceased, praying for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Resolution of the Oakland Board of Trade, Pittsburg, in favor of appropriations for improvement of Monongahela and Ohio rivers—to the Committee on Rivers and Harbors.

Also, petition of Hon. William C. Graham and Henry Wheeler & Son, of Allegheny, Pa., in favor of a bill liberalizing the customs-drawback law—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of Niezer & Co., of Monroeville Ind., in favor of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Papers to accompany bill granting a pension to Charles E. Benson—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: Papers to accompany bill for relief of James T. Jackson—to the Committee on Invalid Pensions.

By Mr. STEENERSON: Resolution of Commercial Club of Minneapolis, Minn., relative to pneumatic-tube system—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN: Petition of business men of New York, in favor of the Hearst bill—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of the Grand Army of the Republic of Gowanda, N. Y., in favor of international congress—to the Committee on Foreign Affairs.

By Mr. VAN DUZER: Petition of citizens of Omaha, Nebr., and Charter Oak, Iowa, favoring the enactment of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, December 21, 1904.

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

There were shepherds abiding in the field, keeping watch over their flock by night. And the angel of the Lord came upon them; and the angel said, "Fear not; for, behold, I bring you good tidings of great joy, which shall be to all people." And there was with the angel a multitude of the heavenly host, praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men."

Let us pray. Father, these holidays come to us and bring us back to the greatest of memories and the greatest of hopes. And Thou also art with us, to give us Thy strength, Thy life, and Thy joy. Thou wilt share our joys, and we, Father, will enter into Thine infinite love. Help us to help Thee, that we may press forward these glad tidings of peace on earth and good will among men; that we may enter into that service of Thine which shall bring men closer and closer to each other, and so closer and closer unto Thee.

We pray for this Senate. We pray for all who love and are loved by these who are here. We pray for all this nation, seeking God, if happily they can find Him, and remembering the blessing which came to us when He who is the Son of God was born in a manger. Father, we ask it in His name. Amen.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

An act (S. 1352) for the relief of Lindley C. Kent and Joseph Jenkins as the sureties of Frank A. Webb;

An act (S. 1501) for the relief of James F. McIndoe;

An act (S. 1753) for the relief of Pay Clerk Charles Blake, United States Navy;